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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-fourth session

SUMMARY RECORD OF THE 626th MEETING

Held at the Palais Wilson, Geneva,
on Monday, 22 May 2000, at 3 p.m.

Chairperson: Ms. OUEDRAOGO

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CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Second periodic report of Norway (continued)

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Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.00-42430 (E)

The meeting was called to order at 3 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Second periodic report of Norway (continued) (CRC/C/70/Add.2; HRI/CORE/1/Add.6; CRC/C/Q/NOR/2; written replies of the Government of Norway to the questions raised in the list of issues (document without a symbol distributed in the meeting room in English only))

1. At the invitation of the Chairperson, the members of the delegation of Norway resumed places at the Committee table.

2. Ms. KARP reiterated her earlier question about whether the Government of Norway would consider moving towards a system in which the views of children under 12 were taken into account when the children were capable of expressing them. Such a change would require a change in legislation and attitudes. She also asked whether groups existed in Norway aimed specifically at promoting the participation of children in local decision-making.

3. Mr. WILLE (Norway), referring to a comment by Mr. Doek, said that the issue of the anonymity of sperm donors was to be examined within the context of the Plan of Action for Human Rights.

4. When unaccompanied minors requested asylum in Norway, the extent to which they needed protection was assessed according to general criteria contained in the Immigration Act, which stated that the law was to be applied in accordance with Norway's international obligations, if those obligations were such as to strengthen the position of the person requesting asylum. If asylum was not granted, a residence permit was often issued on humanitarian grounds if the child's return to his or her country of origin was not considered advisable. Concerning unaccompanied minors Norway followed the guidelines of the Office of the United Nations High Commissioner for Refugees (UNHCR), which stated that children should not be returned to their country of origin if the person responsible for their care could not be traced. Since it was often difficult to find the carer, most unaccompanied minors were given permission to stay in Norway. A debate was currently going on in Norway as to how to improve the success rate in tracing the carers of unaccompanied minors.

5. Various sources were used to assess the situation in the child's country of origin, including the embassy of the relevant country and, in some cases, the refugee attaché at the embassy; delegations from the immigration authorities who visited the countries of origin; regional advisers in the Ministry of Foreign Affairs and the Directorate of Immigration; information and advice from UNHCR and local, national and international NGOs.

6. In reply to a question by Ms. Mokhuane about stateless children, he said that stateless people were encouraged to contact the authorities in their country of origin only if it was likely that they could have normal contact with those authorities. That was not usually the case if refugee status was granted. The written replies stated that, as at 1 January 1999, there had been 195 stateless children in Norway. The number had decreased since then because some had acquired the citizenship of their country of origin through the relevant embassy.

7. Ms. VINNES (Norway), replying to a question by Mr. Doek, said that, pursuant to the Children Act, any person over the age of 18 had the right to bring a paternity case before the courts in order to establish the identity of his or her biological father. Persons under 18 were entitled to request the appointment of a provisional guardian to bring a paternity case on their behalf.

8. Regarding Ms. Mokhuane's question on the school subject of Christian Knowledge and Religious and Ethical Education, she emphasized that one of the basic principles of the Norwegian education system was that schools should be open to all, without distinction on grounds of religion, ethnic origin or social background, and that all pupils should be taught the same subjects. Upon request of the parents, children could be exempted from certain activities at school if those activities were clearly of a religious nature. The future content of the subject of Christian Knowledge and Religious and Ethical Education was to be determined pending the presentation of a report by the Ministry of Education, Research and Church Affairs later in the year. The Norwegian Humanist Association and the Islamic Council had brought charges against the Norwegian State over the introduction of the new subject, claiming that it breached the principle of freedom of religion. They had lost their case in the court of first instance but had decided to take it to the Court of Appeal.

9. The question of separation of Church and State was currently the subject of public debate in Norway, partly inspired by the fact that such a separation had recently occurred in Norway's neighbouring country, Sweden.

10. Mr. HELLAND (Norway), replying to a question by Ms. Mokhuane, said that some of the media and a right-wing party in Norway were keen to highlight criminal behaviour by immigrant children and young people. However, statistics showed that those groups did not commit more crime than young people born in Norway, although the level of violent behaviour was higher among young immigrants. The previous Government had submitted a report to Parliament on crime among children and young people, which was to be discussed in June 2000. One of the proposals in the report was to step up efforts to combat bullying in schools. A project with that aim had been established in Bergen and was to be extended to other municipalities the following year. It had led to a significant reduction in bullying in the test area. Other projects had been introduced to help children with serious behavioural problems: Parent Management Training was aimed at small children and Multisystemic Therapy was aimed at older children. Research had begun on how to deal with the problem of gangs of young criminals and other work was under way to help immigrant children and young people who had suffered experience of war.

11. Regarding Ms. Karp's question about the age at which children's views could be heard, he said that, although 12 was the age at which it became compulsory to take the views of the child into account, children under that age were also given the chance to express their views in some circumstances. In child custody cases, an expert was appointed to assess the best interests of the child, partly by listening to the views of the child in question. A system of child's spokespersons was also used in order to ensure that the views of very small children were taken into account. The Youth Forum for Democracy was made up of expert groups that promoted the participation of children in decision-making at the local level. More than half of the municipalities in Norway were covered by such a group.

12. Ms. MOLLESTAD (Norway), replying to a question by Ms. Rilantono, said that women made up over 50 per cent of university and college students. However, relatively few women chose to study science and technology, and the Government was taking measures to encourage female students to make informed subject choices without being influenced by traditional gender roles. For example, money had been allocated from the State budget to fund a national centre for natural sciences and mathematics which aimed to encourage girls to study those subjects. Positive results were being achieved in that area, particularly at the university level: the number of women studying biology and chemistry had increased following an active policy to recruit women to those subjects. However, in other subject areas such as mathematics and physics, the number of female students remained low. In secondary education, the pattern of subject choices by girls and boys had not yet shown any positive change and research was being conducted on that issue. It was increasingly recognized that, in order to change traditional perceptions of "male" and "female" subjects at secondary level, it was necessary to begin challenging those perceptions at the level of primary education. The Government was therefore taking measures to place greater emphasis on mathematics and science in training for primary school teachers.

13. Ms. HELLERUD (Norway), replying to a question by Mr. Doek, said that the Committee's concluding observations on Norway's initial report had been communicated to all the relevant ministries and had been taken into account in the drafting of the second periodic report. Paragraphs 132 to 134, in particular, contained specific references to them.

14. The CHAIRPERSON invited the members of the Committee to put questions to the delegation concerning family environment and alternative care, basic health and welfare, education, leisure and cultural activities and special protection measures.

15. Ms. EL GUINDI asked what measures had been taken in Norway to integrate disabled children into society and ensure that they had contact with other children. She would also like to know what the legal status of abortion was, particularly with regard to teenage girls.

16. Mr. DOEK asked whether joint custody of children usually continued after parents divorced or whether one parent was generally granted sole custody. He would also like to know whether there were other means of enforcing visitation rights besides the coercive fee mentioned in the report.

17. Noting that 80 per cent of children separated from their parents by child welfare services were placed in foster care and the remaining 20 per cent in institutions, he asked whether specific guidelines were used when making a decision about placing a child in alternative care. According to reports from NGOs, there were differences in intervention practices in different areas of the country; did that mean that there were no national standards for intervention in family life in cases where the child's development was threatened? If not, what was the explanation for those regional differences? He would also appreciate further information about the procedure for reviewing foster care placements, including who was responsible for conducting such reviews. He asked whether the child welfare services were under pressure to continue considering the return of the child to his or her own family. In addition, he would like to know whether provision was made for consulting children in care when decisions were taken to move them from one institution to another. If the child did not agree with the decision, did he or she have the right to appeal against it and to receive legal assistance for such an appeal?

18. Ms. TIGERSTEDT-TAHTELA said she had learned that the budget allocation to local authorities had fallen by NKr 132 million in the fiscal year 1999. She asked the delegation whether or not that was so, in view of its previous statement that the budget allocation had not been reduced.

19. She would like to know how many Roma and Travellers there were in Norway and what language the Travellers spoke. She would also like to know whether there was any provision for Roma children in schools, such as teachers with knowledge of the Romany language and school books in the language. She asked whether Norway had ratified the Council of Europe's Framework Convention for the Protection of National Minorities.

20. Ms. MOKHUANE asked whether children were entitled to a periodic review of their placement in institutions, as stipulated in article 25 of the Convention. Was there a system to ensure that all institutions where children were placed were inspected regularly? According to information at her disposal, since the entry into force of the Act relating to child welfare services in 1993, the number of cases of children in placement had risen. What was the explanation for that increase? Had any measures been taken to facilitate contact between children and their parents in prison, for example by extending visiting rights to include weekends? If, as the Committee had been informed, weekend visits were not possible owing to manpower constraints, the Government might consider taking on extra staff for that purpose.

21. Ms. EL GUINDI, noting that 70 per cent of adoptions involved children brought to Norway from other countries, asked whether the law permitted the adoption of foreign children if the identities and whereabouts of their parents were known.

22. Ms. KARP said that, in her understanding, the evaluation of the child welfare system had been due for completion in May 2000. What had been its conclusions, and had they been put into practice? There was currently a shortage of places in day-care centres, and according to the written replies the former Government had postponed to 2002-2003 the date on which places would be made available for all children. In the interim, the cash benefit scheme mentioned in paragraph 277 of the report appeared to be an attractive alternative to early childhood education in day-care establishments and one which allowed children to stay home with their parents. On the other hand, it had been found that early socialization of the kind found at day-care centres and kindergartens was an important factor in child development. An evaluation of the cash benefits scheme, which had begun in 1998, was due to be completed in 2001. Did that mean that an entire generation of children would be deprived of early childhood education?

23. There was reportedly a high level of stress in the education system, with a lack of time devoted to recreation. A relatively large number of students complained of disorders such as headaches. The Government had referred in the written replies to a programme drawn up by Professor Dan Olweus to reduce the incidence of bullying. Had the Government adopted the aims of that programme for all Norwegian schools?

24. Mr. RABAH requested information about placement of children in foster homes. According to the report, placement was carried out in cooperation with the child's parents or, for children over 15, with the children themselves. Was the opinion of children under 15 taken into account? The Committee had been told that the biological parents continued to have

responsibility for such children and were allowed to visit them. What was the children's legal status? Were they adopted by the foster families, and under what conditions? Did they have the right to refuse placement or adoption? Did a mechanism exist to monitor the adoption procedure in order to avoid abuse of any kind by the foster families?

25. According to information received by the Committee, about 6 per cent of the teaching staff in Norway were not qualified, and in some towns that proportion rose to over 65 per cent. Were those statistics accurate? The Government had reported that the objectives for compulsory schools and kindergartens must be based on values of universal human rights rather than specific religious beliefs. Had there been debate on that issue, with some Norwegians supporting the latter?

26. Ms. RILANTONO, noting the statement in paragraph 214 of the periodic report that medical consultations for children over the age of 7 were not free, asked how the medical insurance scheme worked. In considering Norway's initial report the Committee had made a suggestion with regard to single parents and the Government had said that further studies would be carried out. Could the delegation provide information on the situation of single parents and benefits available to them?

The meeting was suspended at 3.55 p.m. and resumed at 4.05 p.m.

27. Mr. WILLE (Norway), replying to Ms. El Guindi, said that under Norwegian law the decision to have an abortion was taken by the woman alone, regardless of age. In reply to a question by Mr. Doek, he said that the Children's Act of 1981 stipulated that parents who were married had joint parental responsibility, and that separated or divorced parents could agree that they would share parental responsibility or that one would take sole responsibility. If the parents were not married, the mother automatically had sole parental responsibility, unless the parents together notified the national population register that they wished to have joint parental responsibility or that the father should have sole responsibility. Legal procedures existed to resolve disagreements concerning parental responsibility and also concerning the child's place of residence.

28. He could not provide up-to-date information on the Roma population in Norway, but some years earlier it had been estimated that about 400 Roma were Norwegian citizens. No textbooks in the Roma language were used in schools, and to his knowledge the language was not taught in the public schools, although it was taught privately. Norway had ratified the European Framework Convention for the Protection of National Minorities, and the Government was working on a report to Parliament on national minorities in Norway. The main basis for determining whether children should be allowed to visit their parents in prison was the concept of the best interests of the child. According to the Children's Act, the child was entitled to have access to both parents. Under the prisons legislation visits by children from age 3 to 14 were limited, out of consideration for the best interests of the child. Inmates at "closed prisons" were allowed to telephone up to 20 minutes per week, and those at "open prisons" had no limitations on telephone calls. A system of leaves of absence existed, whereby prisoners could return to their families for short periods. Persons who had served a third of their sentences were allowed 18 to 30 days of leave per year, and the Ministry of Justice had proposed extending the rights to leave of absence and telephone contacts for prisoners who had children.

29. Mr. HELLAND (Norway) said that it was generally accepted that foster homes were the best alternative care solution. There were currently about 1,000 children in child welfare institutions and approximately 4,000 in foster homes. The municipalities issued recommendations concerning placement, and the county social welfare boards were ultimately responsible for deciding whether a child should be placed in an institution or a foster home. There were two kinds of institutions: one for normal children, and one for children who were especially violent or prone to criminal behaviour, where the use of force or restraint was allowed. Such institutions should be inspected eight times per year by the County Governor's Office, although many were visited less frequently owing to a lack of resources. Most research suggested that it was not desirable for violent children or children who had committed offences to be institutionalized, as young criminals placed together in groups tended to teach one another about crime and reduce the chances of rehabilitation. The Government therefore stressed the use of alternatives such as multisystemic therapy, which had proven much more effective than institutionalization.

30. There was no national standard for the removal of children from their parents' custody, as it would be extremely difficult to establish such a standard. However, it was clear that placement was resorted to more often in Norway than in other countries. In all cases the main criterion was the best interests of the child. Children were taken from their parents when it was determined that they were subjected to suffering, for example if the parents were drug addicts, child abusers or otherwise unable to care for them. When a child was placed in foster care, a plan was drawn up and periodically updated with a view to returning the child to the biological family. After a certain period the plan could be modified, as a child who had stayed for an extended period in a foster home might be better off remaining there than returning home. Many municipalities should do more to assist parents who lost custody of their children because they were not competent to care for them and to support foster homes. In reply to a question by Ms. Tigerstadt-Tahtela, despite the Committee's information he was certain that allocations to local authorities had not decreased, but had in fact risen. He did not have exact information but would be happy to send precise figures later.

31. Concerning adoption, the Government followed the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, and would not permit the adoption of a foreign child if that child's biological parents were alive and could be identified. However, in certain exceptional cases involving illness of the parents, a relative in Norway had been permitted to adopt the child.

32. Replying to a question by Ms. Karp, he said the committee appointed by the former Government to evaluate the child welfare system had issued a report in early May 2000 containing many suggestions for improvement. The main suggestion was to place more emphasis on parental abilities, in order to help parents who encountered difficulties to keep custody of their children. The report, which was based on research financed by the Ministry of Family and Child Affairs, was to be sent to all municipalities and organizations for comment, after which the Ministry would decide whether to amend the legislation or take other measures. The cash benefit scheme had been the subject of a vast political debate, and the Labour Party, which was currently in power, was very much against that programme for many of the reasons raised by Ms. Karp. The new Government would no doubt invest in the construction of

pre-school facilities so as to ensure that sufficient space was available by 2003. However, the Government would probably not change the cash benefit scheme in the immediate future, as a majority in Parliament favoured maintaining it.

33. It was the Government's objective to make schools more "child-friendly". There was room for improvement in that regard, through active participation by parents, teachers and children themselves.

34. Regarding foster placement, he said that in some cases parents were deprived of their parental rights and the child given up for adoption. However, it was common for children to remain in foster homes without being adopted. The foster home was considered the child's new home but the parents retained parental responsibility and were consulted on important matters such as education or religion.

35. With regard to the percentages of unqualified teachers cited by Mr. Rabah, it was true that a number of teachers had not completed formal teacher training. However, he did not believe that most of them were totally unqualified. In any event, the Government's aim was to provide all children with fully qualified teachers.

36. Ms. HELLERUD (Norway) pointed out that information about the participation of disabled children in the social life of their local communities was contained in the written replies. The goal of the State was to provide every disabled child with the opportunity to participate. Special measures were in place for disabled children in early childhood establishments and schools. However, research had shown that integration had been more successful with younger children than with teenagers. Reintegration of older children with disabilities, therefore, remained a challenge for the Government.

37. Mr. WILLE (Norway) said that legal provisions existed for recovering maintenance from delinquent fathers. Replying to Ms. Rilantono, he said the increasing number of home births was attributable to a rise in the popularity of the practice rather than a lack of municipal facilities. Municipalities were required to offer home birth services.

38. Ms. MOKHUANE asked whether the national follow-up plan to the Declaration and Agenda for Action of the World Congress against Commercial Sexual Exploitation of Children had been adopted and what progress, if any, had been made in that regard. The report mentioned the existence of several programmes for children with learning disabilities but lacked information on the situation of children with psychiatric problems. Apparently, the waiting lists for treatment were extremely long and children in need of specialized care were shunted from psychiatric services to welfare services. What was being done to prevent that practice, given that welfare workers were not necessarily equipped to deal with such cases? The problem was compounded by a shortage of psychiatrists and she wondered whether that was also being addressed.

39. It would also seem that the children of parents who were psychologically disturbed were not considered "at risk" and that there were no programmes to assist such children, who could be subject to high levels of stress in the family setting. She wondered whether those problems were being addressed. Turning to the question of anorexia nervosa, which the report stated was

prevalent among teenagers, she asked whether protection programmes were in place and whether the psychological aspect of the disorder was being considered in tandem with the medical side.

40. She was concerned at the percentage of disabled adolescents who were marginalized and inquired about the obstacles to their integration. She also failed to see why financial assistance was not extended to refugees with relatives living in Norway.

41. Mr. DOEK said he would welcome details on how the police were trained to deal with cases of sexual abuse and exploitation against children. Was juvenile delinquency an issue of concern in Norway, as it was in other European States? He wondered how the Government dealt with offenders under 15, the age of criminal responsibility. In addition, the fact that minors aged 15 to 17 years were treated differently from adult offenders seemed to point to the existence of a separate juvenile justice system for that age range. He wondered whether there were alternative solutions to court cases, as young offenders' criminal tendencies often became worse after they had been institutionalized.

42. Mr. RABAH said that sexual abuse against children seemed to be a serious issue in Norway, as surveys had shown that a relatively high percentage of children were exposed to sexual abuse before the age of 18. How was the Government dealing with that situation? He did not believe that the police was adequately equipped to deal with such cases and feared that victims ran the risk of encountering further problems in society if they were not offered psychological therapy. For instance, research had shown that sexually abused children often committed crimes to avenge themselves for the crimes that had been committed against them. Little information had been provided on substance abuse, child labour and street children, and comments would be welcome in that regard.

43. Ms. TIGERSTEDT-TAHTELA said it would be desirable to integrate Roma children and the children of other itinerant groups into the education system with instruction provided in their mother tongue. Organizing classes for small numbers of a given language group in different schools was likely to pose problems, but she was optimistic that solutions could be found. Now that Norway had ratified the Framework Convention for the Protection of National Minorities, it would no doubt have to answer similar questions in the Council of Europe.

44. Norway had lost a number of the custody cases brought against it in the European Court of Human Rights. She had observed that Nordic countries tended to place children in alternative care when they were abused or neglected. However, the situation might be improved through education for parents in child rearing. She asked the delegation to confirm her impression that childhood-long relationships with foster parents were encouraged over returning children to their homes.

45. Ms. KARP commended Norway on its efforts to face squarely the problem of sexual abuse against children, and noted that Norway was not necessarily encountering greater problems in that area than other countries. In certain countries, some child victims of sexual abuse had not even been identified, either through the Penal Code mechanism or by welfare workers.

46. Considering the lengthiness of court cases and the fact that children could be called back to give evidence long after the abuse had been committed, and even after receiving psychological therapy, she wondered whether the Government had considered establishing a system whereby children gave evidence at the start of the trial, so that they would not have to relive their ordeal and effectively be subjected to double victimization.

47. She would welcome further information on the plan of action against sexual abuse of children and how child victims of abuse were identified. Despite the written replies, it was not clear whether an ongoing, universal programme for the treatment of victims of sexual abuse existed in Norway. According to a report by the ombudsman on the juvenile justice system, offenders over 15 were either treated as adults or not prosecuted at all, and offenders under 15 had to have displayed serious behavioural difficulties in order for welfare officers to intervene. To her mind, that suggested that children in the early stages of criminal behaviour might not benefit from a network of support or treatment, with serious implications for the future. She would welcome comments by the delegation on the ombudsman's observations.

48. The CHAIRPERSON, speaking in a personal capacity, asked how young people were involved in finding solutions and implementing programmes to eliminate bullying and violence.

The meeting was suspended at 5.15 p.m. and resumed at 5.20 p.m.

49. Mr. WILLE (Norway), replying to Ms. Mokhuane's question relating to refugees, said that no differentiation was made in assistance to refugees based on whether they had relatives living in Norway. On the training of police officers to deal with cases of sexual abuse against children, the Police Academy and the National Bureau of Investigation trained police officers in receiving complaints, interrogating suspects and gathering evidence. The academy had been seeking to improve police officers' skills in those areas since 1992. Written information could be made available to the Committee if necessary.

50. There was no separate juvenile justice system in Norway. However, provisions in the Criminal Procedure Act differentiated between persons under 18 and those over 18, the former being given shorter sentences and custodial periods. Juvenile offenders had recourse to an arbitration and mediation system.

51. Concerning a question by Mrs. Tigerstedt-Tähtelä, education was provided in Finnish in the northernmost counties, if required by a minimum of three pupils. As Norway's ratification of the Framework Convention for the Protection of National Minorities, the authorities were holding talks with minority groups, including the Roma in an effort to develop government policy. Only one custody case, which it had lost, had been heard against Norway at the European Court of Human Rights.

52. Mr. HELLAND (Norway), replying to Ms. Mokhuane, said Norway had prepared a national plan following the Stockholm World Congress against Commercial Sexual Exploitation of Children. It was working in close cooperation with Sweden through the Council of Baltic Sea States (CBSS). One project used the internet as an information tool. Norway had also earmarked funds for training seminars in the Baltic States and Russia.

53. There was a shortage of both psychiatrists and psychologists. Efforts focused on developing psychiatric services, especially for children, and the Government had allocated NKr 50 million for the training of psychiatric personnel. Since psychiatric training was a protracted process, other categories of personnel were needed to help children in need of services. The Ministry of Health and Social Affairs had developed a programme providing 100 teaching hours for training personnel in municipal services to address the problem of children of psychiatric patients, which tended to be hidden in Norway. It had also developed a plan of action to help young anorexics, an important feature of which was the upgrading of professional competence.

54. As part of their effort to integrate disabled children, the authorities had allocated funds to enable NGOs to provide assistance, but had received few applications. In any event, he believed that most of the 0.5 per cent of non-integrated disabled children in the country were mentally retarded children with special needs.

55. Replying to questions by Mr. Doek and Ms. Karp, he said Norway was extremely concerned about the problem of sexual abuse. In 1993 a report on the topic had been submitted to the Storting (Parliament), accompanied by recommendations; the authorities were in the process of designing a plan. The traditional approach in Norway was to report and prosecute offenders. However, the University of Oslo was conducting a Belgian-model research programme involving the controversial approach of treating rather than punishing sex offenders, on the ground that victims were further victimized if obliged to testify in court. While the man - often the father – was in treatment, the family usually split up so that the child was removed from the source of danger. Replying to Mr. Rabah, he said that although Norway had no official sexual abuse statistics, the figure contained in the 1993 report to the Storting was approximately 5 per cent. Following one instance in which the accused had been found not guilty, the number of reported cases had declined, as families were reluctant to risk the pain involved. However, the actual situation had probably remained unchanged. Although society accepted responsibility for helping sex offenders, it was not always clear what form that help should take. Substance abuse posed a problem, especially in large cities, and was spreading throughout the country, although there had been no marked increase in recent times. Street children did not pose a serious problem in Norway. Children found roaming the streets at night were looked after by the police and the social welfare system.

56. Norway was witnessing a rise in delinquency, especially with regard to violence. Children who committed crimes posed a threat to themselves; he feared that the social welfare system did not react as early as it should, especially in Oslo. Norway's parental guidance policy focused on telling parents what they were doing right and encouraging them to develop those trends, rather than emphasizing what parents were doing wrong which had been the policy of earlier decades. To a question by the Chairperson he replied that young people were involved in action to combat crime and that some organizations received grants from the Government and from the city of Oslo to that end. In 1997 Norway had organized a Nordic conference on young people with behavioural problems and violent youth.

57. The CHAIRPERSON thanked the delegation for its precise replies and invited the Committee members to ask follow-up questions.

58. Ms. KARP reiterated her earlier question about the possibility of changing the criminal law to allow child victims of sexual abuse to give evidence only at the pre-trial stage. She also wondered why treatment of offenders was envisaged as an alternative, rather than as an accompaniment, to the criminal process. Given the high rate of recidivism, treatment should begin during the prison term. She asked whether there was an infrastructure for risk evaluation of sex offenders and whether it was used in determining their punishment. Was there early release for good behaviour and, if so, what was done to protect victims from further attacks by offenders?

59. Ms. RILANTONO asked which ministries and organizations were involved in the 1995 plan of action against media-based violence begun in 1995.

60. Mr. WILLE (Norway) said that the guidelines provided for evidence to be taken from children at the earliest opportunity. There was also a risk evaluation mechanism, whereby a person serving a prison term of more than 120 days could be released, with the imposition of some controls, after serving two thirds of the sentence.

61. Mr. HELLAND (Norway), referring to risk evaluation, said research had shown that sex offenders sometimes repeated their offence and that punishment did not help. Research findings on the treatment of sex offenders were extremely disappointing. However, Norway had joined a European initiative in which experiences were compared. The Government provided funds for the Norwegian branch of Save the Children to attend the relevant seminars, after which it would decide what course of action was required. A report on the topic was expected shortly from the Nordic Council. Perhaps neighbourhoods should be informed more systematically of the imminent arrival of a released sex offender. The report to the Storting also contained measures for protecting children from violence in the media. In the introduction to the report, the authorities had stressed Norway's need for international cooperation from all countries in order to protect its children.

62. The CHAIRPERSON invited Ms. Mokhuane to present preliminary conclusions on behalf of the Committee.

63. Ms. MOKHUANE (Country Rapporteur) commended the delegation on its open dialogue with the Committee and its self-criticism. She congratulated Norway on being the first country to appoint a children's ombudsperson, its adoption of the 1995 act prohibiting female circumcision, its ratification of many human rights instruments that promoted children's rights and the useful information with which it had provided the Committee. She had been particularly cheered to learn that the Norwegian Government held the unusual view that macroeconomics did not apply to children.

64. One factor which might impede implementation of the Convention was the significant powers granted to the municipalities, which did not necessarily have the same commitment as the national Government; that could lead to disparities in funding and services to children. Another subject of concern was the fact that the general principles, including the principle of non-discrimination, did not appear to be uniformly applied across all sectors relating to the Convention. In the area of civil rights and freedoms, the Committee would welcome greater efforts regarding the nationality and status of non-Norwegian children.

65. While the Committee had been informed of the incidence of child suicide, more needed to be done to discover its causes, and, as the delegation had agreed, there was a need for more psychiatrists and psychologists and for upgrading of social-worker training. She urged the delegation to ensure that Norway's second periodic report was also disseminated within the country.

66. Mr. WILLE (Norway) thanked the members for the frank dialogue with his delegation. He hoped it had succeeded in apprising the Committee of the situation of Norwegian children.

The meeting rose at 6 p.m.

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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-fourth session

SUMMARY RECORD OF THE 627th MEETING

Held at the Palais Wilson, Geneva,
on Tuesday, 23 May 2000, at 10 a.m.

Chairperson: Ms. OUEDRAOGO

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CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Initial report of Kyrgyzstan (continued)

This record is subject to correction.

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Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.00-42443 (E)

The meeting was called to order at 10 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Kyrgyzstan (CRC/C/41/Add.6; CRC/Q/KYR/1 (list of issues); written replies to the list of issues (document without a symbol, in Russian only); English summary of the written replies (CRC/C/1 (Future) 8)) (continued)

1. At the invitation of the Chairperson, Ms. Beishenalieva, Ms. Aitikeeva and Ms. Vinnikova took places at the Committee table.

2. Ms. BEISHENALIEVA (Kyrgyzstan) said her country had acceded to the Convention on the Rights of the Child in 1994. The initial report thoroughly and objectively elucidated the problems encountered in implementing the Convention and the measures taken to deal with them. While numerous legal texts had been enacted to solve those problems both before and after preparation of the report, a great deal remained to be done in legislative terms. Kyrgyzstan had quite recently ratified the amendment to article 43, paragraph 2, of the Convention. Efforts were under way to make good certain deficiencies in the laws and set up the mechanisms required for enforcement. Some tasks had not yet been performed for lack of time or appropriate structures.

3. Representatives of the executive, the legislature and the judiciary, as well as non-governmental organizations (NGOs) and UNICEF, had participated in the preparation of the report, which covered an extensive period. In a few years the number of NGOs directly or indirectly involved with children in Kyrgyzstan had risen considerably thanks to the democratic nature of the regime. Only a handful of officials feared that NGO action could have unfavourable consequences. NGOs helped solve problems by bringing them into the open. Child abuse was rare but, like everything concerning children, it was the subject of wide-ranging discussions within society and in the media. People in her country certainly enjoyed free access to information and the right to express their opinions and form associations. The President of the Republic had demonstrated his commitment to improving the situation of children and had proclaimed the year 2000 Year of Youth and Education.

4. The CHAIRPERSON invited Committee members to put questions relating to general measures of implementation and the definition of the child.

5. Ms. RILANTONO noted with satisfaction that, despite the country's current economic restructuring, it had succeeded in adopting specific measures in the field of human rights: it had ratified six major international instruments and incorporated the provisions of the Convention on the Rights of the Child in several laws. Various national programmes concerning children's rights had been adopted, although an overall strategy appeared to be lacking.

6. Legislation on the protection of minors risked being merely declaratory since, according to information supplied by one NGO, reports on the implementation of the Convention were not

submitted to Parliament on a regular basis. The initial report stated that several government agencies dealt with issues relating to children, women and young people, but the apparent lack of an intersectoral coordination mechanism at the central and local levels might slow down implementation of the Convention. Could the Kyrgyz delegation address the question of decentralization and the factors likely to impede the provision of basic services to children?

7. It was encouraging to note that 20,000 copies of the Convention had been printed in three languages and distributed throughout the various regions of Kyrgyzstan and that the initial report had been disseminated to government agencies and NGOs. However, some sources claimed that media access to the report was inadequate.

8. It would be helpful to learn what steps had been taken to reduce poverty and to ensure equal access by all strata of society to health care, education, culture and leisure.

9. Mr. RABAH asked whether the Kyrgyz authorities intended to intervene to prevent certain local traditions from impeding implementation of the Convention. Had a mechanism been put in place to ensure coordination among the various government agencies and ministries competent in the field of children's issues and with NGOs?

10. Mr. DOEK wished to know the exact form taken by any specific activities conducted by the State Commission for Family, Women's and Youth Affairs in favour of children under 18. Could the delegation provide details concerning the Act on the fundamental principles of State youth policy adopted in February 2000 and indicate whether that text had consequences for the work of the State Commission? Did the latter play a coordinating role? If so, in what way? If it did not, did it advise the Ministry of Justice? What was the relationship between the State Commission and the Commission for Minors at the central and local levels of government?

11. It appeared from the written replies that a proposal had been made to create a national children's council or establish a national ombudsman or commissioner in an attempt to strengthen coordination. How had that proposal been followed up?

12. Ms. TIGERSTEDT-TÄHTELÄ asked whether the delegation could cite cases in which the provisions of the Convention, which formed an integral part of Kyrgyz legislation, had been directly applied or had been invoked in the courts, especially in first instance. Also, when the new legislation and plans had been established, had their financial implications been taken into account with a view to more accurate overall assessment of resource needs? At the time the legislation had been reviewed in connection with the provisions of the Convention, had Kyrgyzstan analysed the fundamental obligations imposed by that instrument? Lastly, had public officials received training in the Convention?

13. Ms. KARP asked whether NGOs had been involved in the preparation of the new legislation and whether they could intervene before the courts to press for children's rights to be taken into account. Did social and cultural considerations prevent the Convention from being invoked before the courts? If so, what prospects were there for change in that regard?

14. According to the written replies, a minor could file a complaint with the custodian and guardianship authorities or the Office of the Procurator-General. Was that a viable solution? Did children know that they could contact those authorities and were they in a position to do so? Could the delegation provide instances of cases in which children had lodged complaints? What had been the outcome? Had any of those authorities filed reports on complaints received and the conclusions to which they had led?

15. She would like to know the respective scope of the Act on the protection and defence of the rights of minors and the Act on the fundamental principles of State youth policy: did the two texts complement each other? She also wished to know the budgetary situation of the local child-protection groups that counselled children and parents. Lastly, it would be interesting to learn whether Kyrgyzstan intended to formulate a comprehensive plan of action for implementing the Convention.

16. The CHAIRPERSON inquired how the delegation had prepared for its appearance before the Committee. Had it held round tables? How had the population been informed of the exercise? How many persons had participated in nationwide or local activities to publicize the Convention? And had those activities been constant or sporadic? Lastly, what role had children played in those activities?

The meeting was suspended at 10.50 a.m. and resumed at 11 a.m.

17. Ms. BEISHENALIEVA (Kyrgyzstan) said that all the provisions of the Convention on the Rights of the Child had been integrated into domestic law and were therefore binding on all State organs and all citizens. The integration had been conducted in two stages involving systematic analysis of the legislation so as to avoid inconsistencies and duplication. All the pertinent laws adopted between 1994 and 1997 were currently in force, as were many of those proposed between 1997 and 2000.

18. The conservatism of the courts meant that they very rarely based their rulings on international instruments, being more inclined to apply domestic laws. However, both the Penal Code and the Civil Code currently contained fundamental principles relating to children's rights so that in practice the courts used the Convention indirectly. The country had also set up a training centre providing courses in the enforcement of its legislation.

19. There were plans to establish a body to be responsible for coordinating all child-related activities, a task still shared by various bodies. Regarding coordination with NGOs, when a problem relating to children's rights needed to be solved, representatives of NGOs, the three branches of government and the international organizations usually sat on the relevant committee. The State Commission for Family, Women's and Youth Affairs dealt with issues relating to the rights of the child; however, it was such a vast field that various other bodies tackled problems in specific areas such as education or the protection of minors.

20. By presidential decree, a working group comprising NGO representatives, scientists, academics, parliamentarians and magistrates had drawn up a bill providing for the creation of an ombudsman's office, which was currently being examined at different levels, notably by Parliament. Consideration would be given to the creation of a body with special responsibility for children's rights once a decision had been taken on the ombudsman's function.

21. A potential obstacle to full implementation of the Convention lay in the level of awareness among the population and public officials. The democratic development of Kyrgyz society provided ample opportunity for full implementation of the Convention, for which all the legal, political and cultural conditions were currently in place.

22. Opinion was divided as to the need to formulate a specific plan of action for children. There were those who felt that such a document would simply endorse existing norms and programmes concerning children and minors, while others deemed it essential. Work and discussions on the subject continued.

23. In preparing the meeting for consideration of Kyrgyzstan's initial report, the delegation had consulted a mass of documentation and had met many child specialists - jurists, lawyers and representatives of public bodies. The process had been particularly useful and rewarding.

24. Ms. AITIKEEVA (Kyrgyzstan) added that, for purposes of the Committee's consideration of the initial report, a round table had been held on 18 May with representatives of public bodies and NGOs to discuss, among other things, access to care, integration into the education system, and the social reintegration of children with special needs. Members of the delegation had also taken part in a national television "press club" moderated by children, during which they had answered questions on the implementation of the various articles of the Convention and had duly taken note of all the questions asked, some of which had dealt with discrimination in schools.

25. Furthermore, every year the authorities organized a children's week immediately before 1 June, Children's Day, on a theme related to one or more articles of the Convention. As of 2000 the awareness campaign had been extended to one month. Events had been organized throughout the country to discuss particular articles: the right to family life in 1999, the right to education, and respect for the views of the child. The campaign was publicized through announcements and articles in many widely read newspapers. The authorities then assessed the event, transforming it into a genuine mechanism for monitoring changes in society's attitude to children's issues.

26. Computer software on the initial report and the Convention had been distributed in connection with the computerization of schools and in certain public places. There was, however, room for improvement in the information situation and many associations, NGOs, agencies and international organizations such as UNICEF were doing sterling work in that field, so that the number of events devoted to the Convention had doubled in recent years. Kyrgyzstan had very active NGOs, and cooperation with them was a constant Government concern.

27. The State Commission for Family, Women's and Youth Affairs was an executive body with ministerial rank and full powers to approach the appropriate ministers in order to seek solutions to problems they encountered. It was that body that had prepared the bill that had become the Act on the protection and defence of the rights of minors which had recently entered into force.

28. Despite economic difficulties, especially in the years 1990-93, the educational situation had steadily improved in the Kyrgyz Republic. Since education was a means of fighting poverty, the authorities had developed a special programme to combat social exclusion with the aim of reintegrating into the education system the 23,000 children not enrolled for the 1992-93 school year. There were currently five to six times fewer children not enrolled in schools. Specific measures had been taken in favour of disabled children. The Asian Development Bank was financing various education activities, including the establishment of an education-sector monitoring system. The 3 per cent budget decrease in that sector over the past three years had not affected basic education, to which the required funds had been allocated.

29. Ms. VINNIKOVA (Kyrgyzstan) explained that while the Act on the protection and defence of the rights of minors, the Act on local self-government and local public administration and the Penal Code all provided for examination of complaints filed by minors, only a handful had been lodged. Such complaints were examined by the Commission for Minors, which was an executive body, and by the Office of the Procurator-General.

30. Adults who incited minors to prostitution or drug or alcohol consumption were liable to prosecution. Perpetrators of offences against minors, including police officers, were charged. The Commission for Minors conducted quarterly inspections of all institutions charged with the protection, monitoring and education of minors - pre-school, school and extramural establishments and minors' provisional detention centres. Minors placed in provisional detention could also file complaints, especially when the detention period was longer than that legally established, and the Procurator-General could prosecute those responsible. Parents and children were kept informed of the procedures to be followed for lodging a complaint and of the role of the Convention. The initial report and the text of the Convention had been disseminated to all departments and institutions with competence in matters relating to children.

31. Ms. BEISHENALIEVA (Kyrgyzstan) pointed out that article 6 of the Act on the protection and defence of the rights of minors, enacted in October 1999, stipulated that the Convention on the Rights of the Child could be invoked in cases concerning minors' rights on an equal footing as the Act itself.

32. The CHAIRPERSON invited Committee members to put questions on general principles and civil rights and freedoms.

33. Ms. RILANTONO asked what measures the Government intended to take on behalf of the most economically disadvantaged regions; what stage the draft law on compulsory primary education had reached; and how many children were not currently enrolled in schools. Why had no age been fixed at which a child could consult a doctor without parental consent?

34. What impact did a child's right to express an opinion have on Kyrgyz customs and traditions? Did children often encounter difficulties in expressing their opinions within the family or at school? Did the legislation give precedence to a child's views or to parental authority?

35. Ms. MOKHUANE wished to know whether there was a structure for coordinating national and local child-related priorities and, if so, which body was in charge.

36. Since cases of forced marriage were allegedly numerous, were those responsible liable to prosecution?

37. What time-frame did the Kyrgyz Government envisage for the elimination of the health and education disparities between rural and urban areas? Since children with special needs were excluded from the traditional school system, what was society's attitude towards them and how did the State react to it?

38. Inasmuch as Kyrgyzstan's society was patriarchal, as indicated in the report submitted in connection with the Convention on the Elimination of All Forms of Discrimination against Women, women - no doubt, girls included - were greatly discriminated against; it would be interesting to learn the situation, especially in rural areas.

39. Given the State party's economic difficulties, many children under 15 years of age went out to work, when the legal age of admission to employment was 15; were any measures envisaged to reintegrate those children into the education system, or could they receive instruction outside their working hours?

40. Mr. DOEK noted with satisfaction the draft law in course of preparation with a view to granting Kyrgyz nationality to children born of a Kyrgyz mother married to a foreigner.

41. It had been stated in the report that the views of the child were taken into account from the age of 10 in connection with certain proceedings. Did that situation prevail with regard to the granting of custody, visiting rights and any other ruling handed down by the courts in the interests of child protection? Was the judge obliged to invite a child to express its views or could he use his discretion on whether or not to hear the child before handing down his ruling?

42. The report stated that medical care was provided to minors with parental consent and that minor girls could have abortions free of charge. Did that mean that parental consent was required for terminating a pregnancy?

43. Mr. RABAH asked what provisions applied to offenders who were not yet 14, the age of criminal responsibility. From what age could minors testify in civil and criminal cases?

44. He was surprised that Kyrgyz legislation authorized minors from age 6 to change not only their given names but also their family names. In what circumstances did those provisions apply? Were they procedures resulting from court rulings? How did the relationship between those minors and their families change when they ceased to bear the same name?

45. He would like to know the minimum age for joining children's or youth associations, since, according to the report, there were no restrictions on minors establishing such associations as long as their aims were lawful.

46. Marriage was banned before the age of 18 except, in certain cases, for girls, who could obtain a dispensation. What sort of cases were they and did the provision apply to boys as well?

47. Ms. TIGERSTEDT-TÄHTELÄ asked whether the authorities had clearly defined priorities for the education, health and welfare of children and what proportion of the budget was allocated to those sectors. Were funds specifically earmarked for child protection? She would like to know how responsibilities were shared out between the national and local authorities, whether the latter were elected, and whether the municipalities had established a system to promote children's participation in decision-making and in the planning of activities of direct concern to them.

The meeting was suspended at 12.15 p.m. and resumed at 12.25 p.m.

48. Ms. BEISHENALIEVA (Kyrgyzstan) said the economic crisis had not affected the exercise of children's rights and there were no regional disparities in the situation of children. The budget resources were allocated on an equal basis to all districts. According to the policy adopted in 1999, each region established its own budget and received subsidies from the State.

49. The legal minimum age for marriage was 18, which was also the age of majority. It could, exceptionally, be reduced to 17 for women only and in conditions established by law, by simple request and in the presence of the girl's parents. The question concerning forced marriages probably referred to bride-kidnapping; that tradition did persist, but it was purely symbolic and the kidnapping took place by common consent of the fiancés and with the participation of their families and friends. In the rare cases in which a real kidnapping occurred, the Penal Code was applied.

50. Abortion was legal and performed in safe medical conditions. The law provided that women should take that decision by themselves.

51. The question of children's participation in decision-making was currently being widely debated in the country, including at the local level. As for the definition of the child, article 1 of the Act on the protection and defence of the rights of minors stipulated that all individuals were considered minors until they had reached their eighteenth birthday.

52. Ms. AITIKEEVA (Kyrgyzstan) explained that all local bodies were elected. Since measures for total decentralization of health and education had not yielded the expected results, many of the budgetary responsibilities had been given back to the central administration. Primary and secondary schools were financed from the national budget, as were certain allowances (including family allowances). School principals were paid out of the local budgets, although it was the State that defrayed the cost of teachers' salaries and expenses relating to school equipment and textbooks.

53. Eleven years of school attendance was compulsory under the Education Act, after which young people could enter vocational training or continue their studies at university. According to official statistics, 0.4 per cent of children were not enrolled in schools, but the Strategic Research Institute put the figure at 0.8 per cent. Those children were for the most part ill or disabled, but there were other explanations for the phenomenon: material problems - a programme had been organized under the aegis of the President to provide special aid to families; parents' refusal to send their children to school (particularly if the children worked); children's refusal to continue their studies; and family circumstances (alcoholic or drug-addicted parents or single-parent families). A special strategy was applied to each category of non-enrolled child; it was a complex and difficult problem, but it should be noted that, by and large, the Kyrgyzs had kept up their determination to give their children an education. One third of young people who completed secondary school went on to university.

54. Disabled and other children with special needs had hitherto found themselves isolated from society, shut up in special establishments, where they had remained in the custody of the State until the end of their lives. The situation had slowly begun to change. A pilot project being implemented with the assistance of the Save the Children Fund aimed to enable the children to remain within the family. The most difficult proposition was to change attitudes, and information and sensitization campaigns were being undertaken to that end. Efforts were being made to integrate children with special needs into society, including schools, from early infancy. The Ministry of Education had prepared a set of provisions for integration-led education, on the basis of the results of pilot programmes.

55. Statistics on working children were fragmentary and covered only the capital and main regional cities. Attempts to reintegrate such children into the school system had met with many obstacles, and progress was inadequate.

56. The Government was also striving to find solutions to the problem of abandoned children, including the sick; that phenomenon, brought on by the economic crisis, was not very widespread, although each case constituted a tragedy in itself.

57. Kyrgyz society traditionally accorded much more importance to the opinion of the old than to that of children, but, thanks to education, things were changing, especially in towns. In order to increase children's still insufficient participation, assemblies had been set up in schools, and many youth organizations had seen the light of day, including the boy scouts, in which efforts were made to teach children their rights and to take their views into account. Although children must obey their parents, they had always been treated with great consideration in Kyrgyzstan, and in the family it was their interests that prevailed.

58. The education budget had dropped by 3 per cent over the previous three years, but only higher education had been affected (particularly the scholarship system). Essential spending (including teachers' salaries and textbooks) were financed entirely from the national budget. Orphanages were also assigned priority. In that connection, it should be emphasized that the State devoted 60 per cent of its budget to social spending.

59. Responsibility for education was shared by the district education departments, which answered directly to the Ministry of Education (whose directives were binding), and the school principals, who looked after the day-to-day business.

60. The participation of children in decisions concerning them, such as construction of swimming pools or leisure centres, was indeed insufficient, although the situation was better in the towns. Mention should also be made of a scheme launched in 1999 by the Ministry of Education to create in each school an informal mechanism, comprising several private associations, to support educational activities.

The meeting rose at 1 p.m.

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Twenty-fourth session

SUMMARY RECORD OF THE 628th MEETING

Held at the Palais Wilson, Geneva,
on Tuesday, 23 May 2000, at 3 p.m.

Chairperson: Ms. OUEDRAOGO

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CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Initial report of Kyrgyzstan (continued)

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GE.00-42454 (E)

The meeting was called to order at 3 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Kyrgyzstan (continued) (CRC/C/41/Add.6; HRI/CORE/1/Add.101; CRC/C/Q/KYR/1; Written replies to the list of issues (document without a symbol, distributed in Russian; summarized in English and distributed under the symbol CRC/C/1(Future)8))

1. At the invitation of the Chairperson, the members of the delegation of Kyrgyzstan resumed places at the Committee table.

2. Ms. AITIKEEVA (Kyrgyzstan) said that the decline of the former health system had left only a few centralized health structures, such as the Scientific Research Institute for Obstetrics and Paediatrics. The system was being restored with new structures and more modern technology, and improvement was expected in the next few years.

3. The budget for health care was not falling. A Health Year had been declared in 1999, and families, homes, schools and communities had all been involved in a national effort to maintain a healthy way of life. There were several State programmes aimed specifically at preserving the health of young people, including a tuberculosis control programme that had been quite successful. Two of the six main themes of the State "Healthy Nation" programme related directly to children: family health and mother and child health. Non-governmental organizations (NGOs) had been particularly active in providing support for teenage mothers at schools and training institutes. The Government was preparing a national programme known as Health 21, which was to comprise all major areas of health and medical services through the year 2010, and which gave high priority to children's health. The share of the State budget earmarked for health care amounted to more than 15 per cent, and over 16 per cent had been allocated to housing and communal services. However, many other health-related expenses, including the maintenance of hospitals and health centres, fell under other budget items.

4. Ms. VINNIKOVA (Kyrgyzstan) said that the main challenge in ensuring the protection of children was the identification at the local level of those requiring State assistance. The child protection system had in previous times functioned well. While many of the components of that system were still in place, it was not currently performing as well as it should owing to lack of resources. Special guardianship and custodianship bodies were in operation in some regions, and the Government and the United Nations Children's Fund (UNICEF) were working to extend them to all regions.

5. Kyrgyz legislation did not restrict the rights of minors to address complaints to any agencies, whether State or local. Complaints were considered by the Inspectorates for Minors, a special service of the Ministry of Internal Affairs in each region, or by the Commission for Minors. Some 400 inspectors were assigned to the Inspectorates for Minors. If a complaint alleged a criminal act, charges were brought against the perpetrator, and psychological assistance was provided for victims who needed it.

6. Under the Criminal Code, persons over the age of 16 bore legal responsibility for their actions, and in the event of extremely grave crimes such as murder, armed robbery, inflicting serious injury and rape, the age of legal responsibility was 14. Less serious cases such as petty theft or vagrancy, were considered by the Commission for Minors. While the courts had the right to place children in specialized institutions, the Commission for Minors was limited to imposing fines and administrative penalties on the parents. Representatives of NGOs were allowed to attend all Commission proceedings and in some regions actually sat on the Commission. Since the adoption of a law in 1999, cases involving children under the age of 14 could be heard by the aksakals, or local elders' courts.

7. Ms. BEISHENALIEVA (Kyrgyzstan), referring to minors' awareness of their right to lodge complaints with the authorities, said that while they might be unaware of the possibilities offered specifically by the Commissions for Minors and the Office of the Procurator, in practice complaints were filed with divisions of the Ministries of Justice and Education and with law enforcement agencies and the local authorities. Those bodies were required by law to forward complaints rapidly to the proper office. In addition, a Presidential Decree had been issued, under which commentary would be requested from NGOs and the local authorities with a view to improving the reporting system.

8. Aksakals were local bodies composed of traditional leaders and elders who commanded respect in their villages or communities. Proceedings in the aksakal courts had proved to be effective. Law enforcement services and the Commissions for Minors often referred cases to them so as to avoid bringing children before formal courts and establishing criminal records for petty offences.

9. Advisory offices on marriage and family matters existed in each district, and provided vital support and medical assistance to teenage girls. Much work was done by NGOs in the field of education. Education had advanced quickly in recent years, especially in the towns, with the development of computer skills among the young and the use of the Internet.

10. The Government was in the process of setting up a legal information centre which would gather all enactments, directives, regulations, proposed legislation and case law for the inclusion in a database. The database would be a valuable resource enabling not only minors, but also lawyers and court personnel, to keep track of the legislation in force at a time when the legal system was undergoing profound change.

11. The Act on the fundamental principles of State youth policy related to people between the ages of 18 and 35. The Act on the protection and defence of the rights of minors which governed policy concerning people up to the age of 18, had been drawn up over a period of two years, from 1997 to 1999. It had been the subject of extensive debate in Parliament, which testified to the complexity of the subject and the seriousness with which the legislators had addressed it. They had clearly wished to ensure that the new Act would not be merely declaratory, but would have a concrete effect. The Act, which had recently entered into force, provided benefit entitlements for minors, which had had far-reaching financial implications. It also clarified the obligations of the respective public authorities towards minors.

12. The legal age at which people were allowed to join associations was the age of majority, or 18. Under Kyrgyz legislation, family names could be changed with the consent of all relative concerned. For example, a divorced woman who remarried could change the family name of her children with the consent of their father, her new husband, and the children themselves if they were over 10 years old. Family names could also be taken from one of the grandparents.

13. Ms. RILANTONO said that enrolment in pre-school education had apparently declined from 32 per cent to 3 per cent. Had efforts been made to restore the pre-school education system? There was a high incidence of infant mortality. Some 32 per cent of women reportedly gave birth to weak and sickly newborns because of high-risk pregnancies. In 1994 antenatal clinics had been established to avoid such complications during pregnancy and childbirth. What had been the results of that programme?

14. The incidence of venereal disease had reportedly doubled, and cases of congenital syphilis had been recorded. What measures had the Government taken to prevent venereal disease? Were the legal and standardized procedures for abortion sufficient, or were women being forced to turn to illicit practices? Because of insufficient diet, 70 per cent of children suffered from development impairments. Had a policy been adopted to combat that phenomenon, and if so, what results had been achieved?

15. Mr. DOEK, referring to paragraph 129 of the report, asked whether parents who had been deprived of their parental rights still bore responsibility for their children. Apart from the termination of parental rights, were there other protective measures such as supervision orders? Children whose parents' rights had been terminated were the responsibility of the child welfare authority. What were that authority's powers? Did it decide what sort of contact the children maintained with their parents and whether they were placed in foster care, adopted or sent to an institution? When children were placed in foster care or sent to institutions, who carried out the periodic review of such placement? Abandonment appeared to be a serious problem, in particular for disabled children. Some were placed in orphanages, where the Committee had learned that there were serious problems in maintaining a reasonable level of care. Was the Government considering any action in that regard?

16. The number of children adopted in Kyrgyzstan appeared to be remarkably high: nearly 10,000 in 1996, in a country with a population of just over 4 million. What rules governed adoptions? Were all adoptions "strong adoptions" in which the ties between the children and their biological parents were entirely severed and the children were fully integrated into the adoptive family? Paragraph 159 of the report referred to family-type children's homes which accommodated 5 to 10 children. Was that a form of foster care? Were such homes supervised by foster parents?

17. The Committee had received information attesting to a steady increase in child abuse and neglect in Kyrgyzstan. The report mentioned hotlines and shelters which were made available to women and children who were victims of violence. Had the Government adopted a comprehensive plan, including preventive measures, reporting procedures and methods to address incidents, in order to deal with child abuse and neglect, as stipulated in article 19 of the Convention?

18. With regard to the aksakal courts, he asked whether allegations by Amnesty International of illegal detention and treatment and harsh punishment being meted out, including whipping and stoning, were well-founded. If so, he would like to know how the Government was tackling the situation.

19. Ms. KARP asked why the family protection system had been restructured, as the old system had apparently worked well. Who had replaced the local authorities, and did adequate financial and human resources exist at the local level?

20. How were prevention policies integrated into projects and plans of action? Prevention was more effective than attempting to remedy already existing situations. She wondered whether corporal punishment existed in the family and in schools and whether any studies had been carried out in that regard. If corporal punishment existed, did the Government envisage prohibiting it? She would also like to know whether complaints had been lodged against teachers who administered corporal punishment and what measures had been taken as a result.

21. Ms. MOKHUANE said she would appreciate additional information about the survey conducted on the health needs of young people. There were apparently clinics to treat sexually transmitted diseases (STDs), but only for sex workers. Were clinics accessible to other population groups, in particular teenagers? It had been said that contraceptives were made available to all women of childbearing age; did they include teenagers? She wondered whether there was mandatory reporting of child abuse.

22. In its written reply to question 9 the Kyrgyz Republic indicated that it was establishing a network of social workers to deal with such issues as child abuse. In the absence of psychosocial rehabilitation programmes, therefore, was there sufficient staff to tackle the problems of sexual abuse and violence against children?

23. Mr. RABAH, referring to recovery of maintenance, welcomed the statement in paragraph 147 of the report (CRC/C/41/Add.6) that in the event of loss of the breadwinner children were guaranteed social security coverage by the State. However, he would like to know whether "loss" referred to death, imprisonment or detention. Why were children increasingly being deprived of parental support?

24. Turning to the issue of children in conflict with the law, he noted that a section of the new Penal Code was devoted to the criminal responsibility of minors and asked whether there was no act dealing specifically with that issue. Did procedures differ from those applied to adults, were judges specialized in juvenile justice and was social assistance available to minors?

25. No figures had been provided on specific aspects such as the kinds of crimes committed by minors and the nationalities of offenders. He wondered whether the Government intended to cooperate with United Nations agencies, especially the United Nations Office at Vienna, and NGOs in the area of juvenile delinquency. It was unfortunate that a number of female juvenile offenders were detained along with adult female detainees. He wondered whether the Government was satisfied with the administration of justice as it stood in the country.

26. Ms. BEISHENALIEVA (Kyrgyzstan) said that pre-trial investigation was conducted by judicial bodies, sub-divisions of which dealt specifically with juvenile delinquency. For juvenile courts to be established it was necessary to amend the constitution, which could be a lengthy process. However, discussions on the subject had begun.

27. Regarding Mr. Doek's question about allegations of illegal detentions and treatment in the aksakal courts, there has been one case in which an aksakal judge had sentenced an offender to stoning. However, as a result of that sentence the aksakal court system had been restructured and limited to cases involving property, marriage, and other Civil Code concerns. Certain severe punishments which had been handed down for theft, for example, no longer existed.

The meeting was suspended at 4 p.m. and resumed at 4.10 p.m.

28. Ms. BEISHENALIEVA (Kyrgyzstan) acknowledged that eight girls were being detained with convicted women and that lengthy discussions had been held to seek a solution to the problem. Under the new Penal Code, separate facilities would be established for girls.

29. Ms. AITIKEEVA (Kyrgyzstan), replying to a question on infant and maternal mortality, said that the Government had based its mortality rate calculations on World Health Organization (WHO) criteria. Discrepancies might be detected, however, as a result of the transition from the old system.

30. At one point outbreaks of infectious diseases had taken on crisis proportions, and diseases which had long been under control had reappeared with the worsening economic situation. However, the situation had since improved. The number of deaths resulting from diseases such as hepatitis, diphtheria and poliomyelitis had decreased, and thanks to the new tuberculosis programme, the incidence of infant mortality due to tuberculosis had decreased by 52 per cent over the past three years.

31. The main cause of death was anaemia, which affected well over half the total number of nursing and pregnant mothers, followed by iodine deficiency and poor food quality. A survey conducted on the causes of infant and maternal mortality had focused on diarrhoeal diseases, measles and infectious diseases. Efforts were being made to combat respiratory and diarrhoeal diseases among children under 5 years of age. As the Government could not afford to increase health budget allocations, it had been necessary to seek additional funds through mandatory health insurance.

32. The family physician programme established in cooperation with the World Bank had been reformed with successful results. New methods had also been introduced on maternity wards to reduce maternal mortality, leading to improved indicators. A new approach to the promotion of breastfeeding had resulted in an 88 per cent increase in breastfeeding, also partly attributable to the food shortage, especially in the mountainous regions. Significant progress had been made in tuberculosis (TB) control and a special programme for the rehabilitation of TB patients had produced remarkable results. Prophylactic measures had also been introduced among the population, in particular young people and children of pre-school and school age.

33. Despite the measures introduced, it had not been possible to reduce the incidence of venereal disease. Syphilis had long been on the increase, but the situation was now somewhat under control. With regard to contraception, despite opposition and the obstacle of traditional views, the Government had managed to introduce special school programmes on the prevention of sexually transmitted diseases and AIDS.

34. Action had been taken to iodize salt in order to combat iodine deficiency, with the assistance of international organizations. Providing specific figures on the incidence of certain diseases, she said that one girl in four had problems thought to be related to iodine deficiency and each year up to 50 cases of venereal disease were recorded. Ten persons had been registered as HIV-positive to date. Extensive information on AIDS had been disseminated to the population. Human reproduction centres had been established in four universities with a section devoted to teenage girls. The process had only just begun and was expected to continue. The claim that the incidence of venereal disease had doubled was incorrect.

35. Under a reproduction act passed in 1999, abortion was permitted if birth defects were detected at an early stage of the pregnancy.

36. The number of abandoned children was neither increasing nor decreasing. The rural exodus into the cities, especially to the capital, led to culture shock, unplanned pregnancies, and the resulting abandonment of children. Measures had been taken to sensitize the public in that regard. The traditional view of society that it was preferable to place an abandoned child in a State institution was changing, but there were still a number of such children in State boarding schools.

37. The Government welcomed adoptions provided the best interests of the child were respected. "Family-type" homes were an improvement over boarding schools as they more closely resembled real family environments. The children in such homes were well-integrated into society and attended ordinary State-run schools along with other children. The homes were inspected by the local authorities. There were also SOS Villages, or settlements consisting of family-type homes run by a "mother" with up to 10 children. However, those homes had been criticized for the lack of male participation. It was clear that "family-type" homes were only a partial solution.

38. Generally speaking, the Government had managed to introduce successful reforms in the health sector, and despite lingering problems child health was improving. The written replies provided detailed information on specific health programmes.

39. Ms. VINNIKOVA (Kyrgyzstan) said it was expected that a current foster-care experiment in which five children per home were placed with foster families would soon become widespread. It involved children in orphanages, who accounted for 12 per cent of all children in institutions. The remainder were children whose parents were either in prison or had lost their parental rights. With one parent's loss of parental rights, the other parent required State assistance, one form of which was placement of children in a care institution. A parent could be deprived of parental control only by a court of law. The State exercised caution in removing parental rights. Only 32 families had lost such rights in 1998, and 16 in 1999. All relevant material concerning minors was immediately transmitted to the authorities for investigation.

Abusive teachers or parents were investigated and appropriate action was taken. Such cases were rare, however, as everyone was aware that violence against minors was a criminal offence.

40. Offences by minors were governed by the Penal Code, and prevention was practised at all levels - executive, inter-ministerial and inter-institutional - through the Ministry of Internal Affairs and the Office of the Procurator-General, in particular. Preventive measures were aimed exclusively at minors displaying a tendency to break the law, who were taken in charge, educated and monitored. Law-breakers were personally monitored by the appropriate department of the Ministry of the Internal Affairs. Those who returned home were monitored by the Commission for Minors. Any violation established was investigated, reported in the press and taken into consideration in work done with those minors. Reforms of preventive measures were also under way.

41. Ms. BEISHENALIEVA (Kyrgyzstan) said the provisions of the new Family Code would directly reflect the provision of article 21 of the Convention that the best interests of the child should be the paramount consideration in cases of adoption.

42. The CHAIRPERSON invited Committee members to put follow-up questions to the delegation.

43. Ms. MOKHUANE asked whether mother-tongue education also pertained to Afghan children, who she had been told were obliged to learn two or three different languages. She also asked whether the number of days a child must attend school was stipulated by law. She had heard reports that some schools closed during the cotton- and tobacco-harvesting periods. She also wished to know why no education below the sixth grade was provided for over-aged children at primary level. With the high rates of poverty and iodine deficiency, she feared that children might be undernourished, with the resultant decline in school performance. Were there existing or planned school-meal schemes?

44. Mr. FULCI asked what measures were being taken to curb the alarming infant mortality rate which, at 73 per 1,000 live births, was among the highest in the countries of the former Soviet Union. In the light of a report by the United States Department of State, he would also like to know what measures were planned to address the increasing number of street children who left home because of abusive or alcoholic parents.

45. Some 700 children of school age were allegedly working in Bishkek instead of attending school. Child labour, including heavy and harmful work and begging were apparently widespread in Kyrgyzstan. In rural areas also, as Ms. Mokhuane had observed, children were engaged in agricultural work with no training in the precautions to be taken when working with toxic materials. What legislative steps were envisaged to protect children working in the informal sector? Had any studies been conducted of the nature and extent of child labour? Lastly, he asked whether the country planned to ratify ILO Convention No. 182 on Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

46. Ms. KARP suggested that, rather than create special courts, one way of making the juvenile justice system more child-friendly might be to select regular court judges for training in child psychology and other aspects of childhood. She understood that, although minors too

young to be prosecuted were taken in charge by the social welfare system, their original offence was taken into account in connection with any subsequent offence, although they had not been convicted of the original offence. Did the delegation not consider that procedure unjust?

47. Mr. DOEK, endorsing Mr. Fulci's remarks, asked the status of the ILO International Programme for the Elimination of Child Labour (IPEC) in Kyrgyzstan. He also inquired about the fate of the 4,749 children who had not been convicted but turned over to Ministry of Internal Affairs institutions. He would also appreciate confirmation that the confidentiality of the adoption procedure denied adopted children the right to know the identity of their biological parents.

48. Ms. RILANTONO said that the statistics in the report on venereal disease and abortion among girls, were alarming; she urged the authorities to undertake an evaluation of the practice of abortion, as she was convinced that it was used for other than medical purposes.

49. Mr. RABAH requested more detailed information on the extent of the phenomenon of street children in the Kyrgyz Republic.

50. Ms. BEISHENALIEVA (Kyrgyzstan), referring to Ms. Karp's proposal, said that the courts did practise specialization. In all urban and most district courts with three or more judges judicial work was divided into criminal and civil matters, which were further subdivided into specializations such as marriage and divorce, minors' issues and so on. The court system had adapted to the actual conditions of life. While she agreed that greater reliance should be placed on special legislation, that would take time. Specialization also had budgetary implications for the recruitment and training of additional staff. However, the authorities were aware of the existing lacunae in comparison with other countries.

51. Acknowledging Ms. Rilantono's suggestion, she said that while abortion without parental consent was prohibited in principle, medical personnel did try to help a girl who wished to conceal a pregnancy from her family.

52. Ms. AITIKEEVA (Kyrgyzstan) said that mother-tongue education did not pose a problem in her country, which comprised three major ethnic groups - Kyrgyz, Uzbek and Russian and was renowned for its tolerance. Russian- and even English-language education had become fashionable in the cities. Children in areas bordering Uzbekistan could attend different schools depending on their motivation. On the other hand, refugee children's access to education was problematical. Kyrgyzstan had been one of the first of the former Soviet republics to accept refugees and grant them rights. While they were assured of an education, mother-tongue education was available only in large communities and to a limited extent.

53. Turning to child labour, she said that the number of days of compulsory school attendance was the same in rural and urban areas and strictly controlled. Although schools might be closed in winter in some very cold regions, the time had to be made up subsequently. The authorities were making every effort to combat absenteeism for purposes of work, and any person found responsible could lose his or her job. Only in 5 per cent of cases had leave been granted for a child to engage in seasonal work.

54. Educational standards were extremely rigid. Efforts were being made to provide psychological support for children who failed to be promoted to a higher grade, but the number of repeaters was not high. The problem of food had been more or less resolved in the cities, where the Education Fund organized school meals. It was still problematical, however, in rural areas, but even there meals were sometimes organized by the community. She agreed that the problem warranted attention, although children were able to eat at home during the school recess.

55. The employment of children for tobacco harvesting was a significant problem. There was an anti-tobacco organization in Kyrgyzstan which reported cases of child labour in the tobacco industry; local authorities bore responsibility for taking action in such cases.

56. Four or five years previously, there had been a large number of street children in Kyrgyzstan. The situation had improved dramatically since then; there were currently 166 children on the streets. Efforts were made to ensure that they attended school, but it was difficult to prevent them from dropping out again, particularly when they had been on the streets for a long time. Greater success had been achieved in assisting children who had only recently found themselves on the streets, for example as a result of conflicts. The problem of street children was a relatively new one which had surfaced since the period of transition to a market economy had begun, and Kyrgyzstan had therefore had little practice in addressing it. However, substantial assistance had been received from NGOs in that regard, as the State was not in a position to work with every child individually. One centre provided food and other assistance to children working in the market in Bishkek. Another centre for the rehabilitation of street children was being built in Bishkek in cooperation with the Government of Norway. Studies had also been conducted to discover the reasons why children ended up on the streets and to propose measures to resolve the problem.

57. Ms. VINNIKOVA (Kyrgyzstan) said that most children who found themselves on the streets were runaways. Action was taken regularly by the Ministry of Internal Affairs, with the cooperation of teachers and parents, in order to take children off the streets and to assess the extent of problems such as AIDS and drugs. Such children were sent to a special rehabilitation centre while their parents were traced and were then delivered back to their parents. The child's school was informed of the situation and was expected to monitor the child to prevent him or her from running away again.

58. Efforts were under way to improve the juvenile justice system. There were judges and investigative bodies that specialized in minors' affairs, and in every procurator's office there was a special procurator responsible for monitoring the implementation of laws concerning children. Children who committed minor offences were not usually taken to court; instead, they were placed on a register and were kept under special observation at school. If they were convicted of a more serious offence, they could be punished by deprivation of liberty and efforts were then made to rehabilitate them. The number of children placed on the register after committing minor offences had fallen in recent years and the law provided that children should not be kept on the register for excessive periods of time. A child's name could be removed from the register at the request of the school, the Commission for Minors or the Ministry of Internal Affairs body responsible for the supervision of the child. In some cases, it was necessary to keep children under ongoing observation because of the risk of organized crime among some groups of minors. However, even those children were not usually kept on the register for more than two years.

59. Ms. BEISHENALIEVA (Kyrgyzstan) said that no formal legal decision had been taken to suspend intercountry adoption. However, the number of such adoptions had fallen because the agencies dealing with them had become more cautious following a number of cases in which children adopted in Russia had subsequently become untraceable. It was therefore out of concern for the welfare of potential adoptees that the rate of intercountry adoption had been slowed down. In addition, provisions existed to protect the confidentiality of adoption.

60. Ms. KARP, referring to table 25 in annex I of the report, asked why the number of children handed over to the Ministry of Internal Affairs who were not in employment and not attending school or another educational institution had increased from 272 in 1995 to 2,352 in 1997.

61. Mr. DOEK, noting that the views of children aged 10 and over were taken into account in adoption cases, requested further information on the procedure for hearing the child's views in such cases.

62. Ms. BEISHENALIEVA (Kyrgyzstan), replying to Ms. Karp, said that the number of children in the category mentioned had actually decreased and that the figure given for 1997 appeared to be a typing error. Other apparent discrepancies in statistics could be explained by the fact that statistics compiled during the Soviet period had been inaccurate or incomplete, whereas recent figures were more comprehensive.

63. Ms. VINNIKOVA (Kyrgyzstan) said that the confidentiality of adoption was protected under the Marriage and Family Code. If a child aged 10 or over was to be adopted, his or her agreement had to be obtained in order for the adoption to proceed. Most children who were adopted were under one year old: they were either newborn or had been abandoned at a young age. In such cases, the identity of the child's natural parents was kept secret and it was an offence to reveal it.

64. The CHAIRPERSON invited Ms. Rilantono, Country Rapporteur, to present preliminary conclusions on the discussion with the delegation of Kyrgyzstan.

65. Ms. RILANTONO (Country Rapporteur) expressed appreciation for the constructive dialogue conducted with the delegation and the information provided about the State party's efforts to improve the situation of children. Much progress had been made in terms of adopting legislation; the main task for the future was to ensure that the legislation was properly implemented, particularly through the allocation of sufficient budgetary resources. The Committee recommended that the State party should cooperate with international agencies and NGOs in that regard and continue its efforts to raise awareness of the provisions of the Convention. It also recommended the establishment of a system for collecting disaggregated data on persons under 18 and the establishment of an independent monitoring mechanism.

66. Particular attention should be paid to services for the disabled, health care for teenagers and the reduction of child mortality. Family strengthening programmes would help prevent the disintegration of families and reduce the need for alternative care. Sustained efforts were required to ensure that the alternative care provided was of a high standard. The Committee

further recommended that programmes for the rehabilitation and reintegration of abused or exploited children should be enhanced, in cooperation with relevant organizations such as ILO and UNICEF.

67. She wished the Government of Kyrgyzstan every success in its efforts to further the rights of the child and wished the children of Kyrgyzstan all the best.

68. Ms. BEISHENALIEVA (Kyrgyzstan) thanked the Committee for its active interest in the issue of children's rights in Kyrgyzstan and the positive spirit in which the dialogue had been conducted. The discussion had been very useful and would provide a fresh impetus to the Government's efforts to enhance the rights of the child. The Government would make full use of the expertise of the relevant international organizations in order to pursue those efforts.

The meeting rose at 5.55 p.m.

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Twenty-fourth session

SUMMARY RECORD OF THE 629th MEETING

Held at the Palais Wilson, Geneva,
on Wednesday, 24 May 2000, at 10 a.m.

Chairperson: Ms. OUEDRAOGO

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CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Initial report of Cambodia

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GE.00-42480 (E)

The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Cambodia (CRC/C/11/Add.16; CRC/C/Q/CAM/1; written replies by the Cambodian Government (unofficial document, distributed in the meeting room in English only))

1. At the invitation of the Chairperson, Mr. Im Sethy, Mr. Nouv Phearith and Ms. Chan Haranvaddey took places at the Committee table.

2. Mr. IM SETHY (Cambodia) said that his country had ratified the Convention on the Rights of the Child without reservation in 1992, and was also a party to the other major international human rights treaties. The initial report under consideration had been drafted by a ministerial committee working in collaboration with non-governmental organizations and the United Nations.

3. Cambodia had been devastated by three decades of war, killing and crisis. Its infrastructure was inadequate and outmoded. Mines still affected certain parts of the country. Many intellectuals had died while the Khmers Rouges were in power, and the country was cruelly short of skilled human resources.

4. In spite of those obstacles, a great deal of effort had been made to apply the Convention. In legislation, for example, the Law on Suppression of the Kidnapping, Trafficking and Exploitation of Human Persons passed in 1996 had already led to the arrests and trials of numerous traffickers. The Ministry of Justice had drafted a code of criminal procedure and penal code incorporating provisions dealing with juvenile justice, and setting the threshold for criminal responsibility at 18 years. A new civil code and a new code of civil procedure were also planned to cover the many areas where legislation was still lacking, such as registrations of births and the placement of children in foster families or institutions. The Ministry of Social Affairs had drafted a bill on international adoption which was consistent both with the Convention on the Rights of the Child and with the Hague Convention on the Protection of Children and Co-operation in respect of Inter-country Adoption, the ratification of which was under consideration. Cambodia had also ratified ILO Convention 138.

5. The Cambodian National Council for Children (CNCC) had been set up in 1995 to coordinate Government activities and oversee implementation of the Convention. Although short on staff and resources, CNCC had produced a number of reports on the situation of children. It had also drafted a five-year plan to combat the sexual exploitation of children, which was to be put into effect by all ministries; CNCC would be responsible for coordination and follow-up.

6. Cambodia had set up data-collection systems, chiefly in the areas of health and education where budgets, although still low, had nevertheless been rising steadily. The country was still

experiencing survey health problems. Mortality among infants, mothers and the under-fives remained very high, and AIDS was spreading rapidly. In education, the shortage of schools was making it hard to introduce mandatory schooling, and the truancy rate and the numbers of children repeating years were high. Child labour, sexual exploitation, trafficking in children and juvenile justice were all matters of concern to the Government.

7. Cambodia was cruelly short of human and financial resources and needed technical assistance from United Nations bodies and specialized agencies. The Government intended to do all it could to apply the Convention, and assured the Committee that its advice and recommendations would be taken into account.

8. Ms. TIGERSTEDT-TÄHTELÄ observed that Cambodia had followed the Committee's guidelines in producing its report and written replies; the report was somewhat too formal but the written replies, citing numerous laws and policies, gave a clearer idea of how the Convention was being applied in Cambodia. It did not appear, however, as though children had been involved in the preparation of the initial report.

9. Coordination and follow-up to the Convention were first and foremost the responsibility of the Government, but civil society should be involved as well because it could be both more objective and more critical. How was the application of the Convention followed up in practice, and what role in the process was played by CNCC? Several ministries and international organizations were represented on CNCC, and she wondered how the various plans and projects adopted were coordinated in practice. Did Cambodia have any plans to introduce a children's ombudsman?

10. She wondered whether CNCC regularly reviewed action taken pursuant to the national three-year plan for children and the Five-Year Plan of Action against Sexual Exploitation. Did the Cambodian authorities contemplate moving in the future to a system of rolling plans so that they could begin evaluation while programmes were in progress?

11. Mr. FULCI asked whether efforts were being made to bring to justice those responsible for the genocide in which so many children had suffered.

12. The Cambodian report gave no information on the training undergone by professionals working with children. Little seemed to have been done to involve civil society, non-governmental organizations and children themselves in activities to protect children. The media did not appear to have been sufficiently closely associated with the dissemination of the Convention, and children appeared not to be very conversant with the Convention or its principles. Could the delegation provide further information on those points?

13. The Committee on the Elimination of Racial Discrimination reported serious discrimination and violations against the many Vietnamese living in Cambodia. There were, for example, said to be very few facilities available for Vietnamese children to learn Khmer. Given

the principle of non-discrimination set forth in article 2 of the Convention, what action was being taken to enable all children, irrespective of their origins, to exercise the rights they enjoyed by virtue of the Convention?

14. Ms. MOKHUANE asked for further information about the coordinating functions of CNCC. How did they operate at the provincial or local levels? Did the Parliament receive any reports about them and if so, where from: the Ministry of Social Affairs, CNCC, or provincial governors? Were there any plans to establish a children's ombudsman? Each ministry seemed to be responsible for drafting laws covering its own field of reference without there being any real coordination among ministries. A vital link - one making the legislation into a coherent whole and allowing all matters covered by the Convention to be dealt with together - was missing.

15. There appeared to be a similar want of coordination in data collection, which seemed to be done individually by the various ministries. It would be helpful to have a standard data-collection mechanism to cover all the areas dealt with by the Convention.

16. What proportion of the budget was devoted to children at risk? Who set budget priorities, the ministries or the provincial authorities? The fact that teachers' salaries had not been raised although the budget had grown was likely to be injurious to future morale: what did the State intend to do about that problem?

17. Mr. RABAH wanted to know why there seemed to be so little cooperation and coordination between the government and NGOs in Cambodia, and how exactly things stood. Had NGOs participated, directly or indirectly, in the preparation of the initial report? Was there a real policy on children's rights in Cambodia? Was there any centralization of the services available to Cambodian children outside as well as in the big cities?

18. He wondered why the marriageable age was 18 years for girls and 20 years for boys. He asked for further information on article 177 of the labour legislation, under which a child aged under 18 could work with the consent of its parents or guardians. Lastly, the Committee had not been told the minimum wage for joining the Armed Forces; it would be helpful to know it.

19. Mr. DOEK asked how the Cambodian Government intended to follow up on the findings of the study carried out by CNCC which revealed that no provision was made in legislation for any follow-up to the implementation of the Convention, and that it would therefore be appropriate to draft a general law on children and set up a national team for the purpose.

20. Half of the national budget appeared to be devoted to defence and security, to the detriment of other areas. Could the Government justify that situation? Moreover, the amounts disbursed on certain activities appeared to be lower than those originally forecast. He would like some light to be shed on that matter.

21. What were the goals of the National Plan of Action for Children, which seemed to be an assemblage of steps taken by the various ministries to make it easier to monitor and assess the situation of children? Were there any general goals, progress towards which would enable the Committee to assess the advancement of the Plan as a whole?

22. Ms. RILANTONO emphasized the need for coordination among the activities of the various ministries whose fields of competence extended to children, and the need to make the ministries as well as the general public aware of the Convention. The traditional, village-assembly-type local structures found in Asian countries would appear to be a good way of spreading word about the Convention in Cambodia if they existed there. Had Cambodia established a national training programme for skilled workers, such as legal experts and teachers, given its lack of qualified staff?

23. The CHAIRPERSON asked how the Cambodian Government set about disseminating the Convention and how it overcame the difficulties posed by its traditional attitude towards the principle that children were covered by the law.

24. She was sorry that the written replies did not indicate the legal age of sexual consent, since juvenile involvement in prostitution was a crucial problem in the region. Was article 434 of the Penal Code enough to guarantee children protection?

25. Ms. CHAN HARANVADDEY (Cambodia) said that CNCC had only recently been set up, just as the Convention on the Rights of the Child had only recently begun to be implemented. CNCC was striving to coordinate activities designed to protect children, monitor their application and review the legislation on the matter. It coordinated not only the activities of the various ministries but also those of the Government and NGOs. It was also responsible for coordinating national activities and the work of provincial- and local-level committees responsible for children's questions.

26. In spite of the inadequate human and physical resources available, CNCC had managed to set up a National Plan of Action for Children. Contacts between non-governmental organizations, governmental bodies and the media provided it with valuable sources of information. It oversaw governmental bodies and NGOs at the provincial level, and was thus able to put forward recommendations to the Government. It worked in close collaboration with NGOs, international institutions such as UNICEF, the private sector and civil society. It had conducted surveys in the provinces on topics such as child sexual exploitation.

27. Mr. IM SETHY (Cambodia) emphasized the coordinating role of CNCC, which brought together over 18 Ministers and Secretaries of State with responsibilities of relevance to the situation of children. Once it had considered the legislation in force, the Council could make recommendations to the Council of Ministers. Given the enormous problems Cambodia faced after a protracted period of armed conflict, the Government had to set about rebuilding in all sectors, beginning with legislation. Over 120 pieces of legislation had been passed since 1993

but there was still much to do to frame laws that would ensure the welfare of children and the population at large. CNCC thus played a vital role, and had, for example, recommended the passage of legislation against the traffic in and sexual exploitation of children.

28. CNCC worked closely with non-governmental organizations, which numbered at least 400, over 20 of them specializing in human rights and the rights of the child. At gatherings organized by CNCC, the non-governmental organizations had an opportunity to explain how their activities complemented the Government's efforts.

29. CNCC also served as a promotional body for, among other things, the Convention. It strove to awaken public opinion by staging lectures and activities devoted to children, such as celebrating the International Day of the Child on 1 June. As for the question of strengthening teaching, the most important thing was to ensure active involvement by parents and the community at the local level.

30. The idea of instituting a children's ombudsman was a very interesting one which would receive due attention, but other matters must take priority.

31. Ethnic Khmers represented 95 per cent of the Cambodian population but children belonging to the Muslim minority, the various ethnic minorities and the Vietnamese and Chinese communities were not discriminated against.

32. The demobilization of the four armed factions, including child soldiers, had begun early and as a matter of priority. It had continued at a rate of 10,000 demobilized soldiers per year. The problem was now virtually solved.

33. The size of the defence and security budget was due in part to the outlays incurred as the factions regrouped. Extensive resources were also devoted to demobilization activities which, besides reducing troop numbers, were also concerned with training and job-finding for former soldiers. The Government was, nonetheless, firmly resolved to increase the social-sector budget, beginning with health and education.

34. CNCC had argued for a national action committee to ensure that everyone could exercise their right to education. Increases in the education budget were planned for 2000 and 2001. Steps had been taken since 1993 to ensure that civil servants' - and especially teachers' - salaries were paid. Teachers, who made up more than half of all civil servants, also received teaching bonuses. As part of the reform of the administration, a computer-based survey of civil servants was currently in progress. Further raises in teachers' wages were planned.

35. Mr. NOUV PHEARITH (Cambodia) said that the marriageable age was set at 18 for women and 20 for men. Girls could get married earlier (if they became pregnant, for example) with their parents' consent. The minimum age for taking up employment was at present 16, but given the harsh economic situation and the extent of poverty there were plans to reduce it to 14 so that children could help their families.

36. The CHAIRPERSON observed that the delegation had not yet answered the questions about the results of the study comparing national legislation with the Convention, how traditional assemblies could help spread the word about the Convention, coordination among ministries, the legal age of sexual consent and traditional attitudes towards the Convention.

37. Ms. CHAN HARANVADDEY (Cambodia) said, on the subject of legislation, that CNCC had called for a special team including representatives of the private sector, non-governmental organizations, international organizations and governmental bodes to be set up to consider all the bills drafted by the technical ministries and ensure that they took the rights of the child into account. UNICEF had been contacted about financing the services of a legal adviser, but the requisite financial resources still had to be found.

38. In conjunction with UNICEF, CNCC had drawn up a schedule of activities to promote children's rights that was due to be considered centrally and in the villages. Word about the Convention was spread in part through television broadcasts, some of them on a private channel, on occasions such as the International Day of the Child. A drive had been launched to make people more aware of the Convention and the problems of child sexual exploitation and child labour.

39. Efforts were also being made to alert and educate civil servants at all levels, in part to encourage them to go beyond the purely technical aspects of implementing the Convention. Volunteer groups were helping children under a community capacity-building aid programme run by the Department of Rural Development with UNICEF backing.

40. There was no law setting a minimum age of sexual consent.

41. The CHAIRPERSON invited the Committee to put forward questions about general principles and civil rights and freedoms.

42. Mr. DOEK said he would like more details of alleged police brutality against children in the street and at certain police stations, and of the steps taken to counter it.

43. Mr. FULCI asked for additional information about the status of the hill tribes. It was alleged by some sources that three boys had been tortured at a rehabilitation centre: he wanted to know what was being done to make the police change their behaviour. He would also like to know when mine-clearing operations in Cambodian territory would come to an end.

44. Ms. TIGERSTEDT-TÄHTELÄ asked what was meant in Cambodia by nationality and citizenship. She wondered who apart from Khmers held Cambodian nationality, and where those of Vietnamese stock stood. The aim of combating discrimination was not just to ensure equal treatment for all but to give preferential treatment to disadvantaged groups. She would like to know what action was being taken to change attitudes and put an end to traditional practices that discriminated against young girls.

45. Ms. MOKHUANE said she did not think the questions in paragraph 6 of the list of issues had been properly answered. She wondered whether the Constitution and laws allowed non-Khmers who suffered discrimination to seek redress, and whether there were information

and consciousness-raising campaigns to ensure that HIV-positive individuals and AIDS patients were not left at a disadvantage. She asked whether the hill tribes had access to all social services.

46. She also wondered how the best interests of the child were taken into account in criminal and family-law matters, such as when questions of child custody were settled during divorce proceedings. And what was being done to prevent HIV-positive mothers from transmitting the virus to their children?

47. Ms. RILANTONO wondered whether there was a law that specifically enunciated children's right to express their opinions freely. The report said that in practice, children expressed their views in class by answering the questions their teachers asked them during meetings; was that the only time when they could do so? Could they also state their views within the family circle, or did Cambodian culture require them rather to defer to their elders? If their parents divorced, could children above a certain age indicate a preference for living with their fathers or their mothers?

48. Mr. DOEK asked when the provisions of the civil and penal codes requiring children to be declared at birth would be brought into effect, and what would be done in the mean time since a child must be registered if it was to be taken into account in any policy or covered by any measures for which age was a criterion.

49. Ms. TIGERSTEDT-TÄHTELÄ asked whether the family and resident books mentioned in the report served as a sort of child registration document. They were apparently issued for children born in hospital in Phnom Penh. Could that arrangement be extended to the rest of the country? Would it be possible to register births in very far-flung parts of the country, too? Did the country have enough human resources to do the job?

50. Ms. MOKHUANE said she would like to know how in practice the authorities and public officials determined a child's identity and age for the purposes of, for example, legal proceedings, juvenile justice or education. She also wondered how children's opinions were taken into account in the planning of services to benefit them, and in policy formulation.

The meeting was suspended at 12.25 p.m. and resumed at 12.35 p.m.

51. Mr. IM SETHY (Cambodia) emphasized that the proportion of the State budget devoted to defence and security could not be cut abruptly, but that savings from the sector would be steered towards the social sector and would thus also benefit children.

52. Instances of police brutality were not the result of Government or police policy but individual acts. The authorities were making great efforts, with active NGO cooperation, to train police officers and members of the security services to recognize and respect human rights, laws and regulations.

53. Steps were being taken to improve the way juvenile delinquents were treated. Prisons in poor condition had been demolished and new ones built, in part with assistance from international organizations and a number of countries, Australia in particular. In Phnom Penh,

young detainees had been separated from adults. Some centres for juvenile delinquents served as vocational training centres, the objective being to make it easier for detainees to return to life in society. Detention conditions for juvenile delinquents remained less good in the provinces than in the capital.

54. The Constitution and Cambodian law prohibited racial discrimination of any kind. The Constitution did refer to the "Khmer people", but the expression actually meant all the ethnic groups living in Cambodia, among them a number of indigenous minorities who lived, for the most part, in the north-east. Members of those minorities were fully-fledged citizens. They had registered for and voted in the last two elections. They received aid from non-governmental organizations and the Cambodian Government. There were associations working to revive their cultures. People of Vietnamese stock had long lived in the country, and were Cambodian citizens like anyone else. Unfortunately some fanatics and extremists, and also certain political parties, were in favour of discrimination.

55. Well-trained mine-clearing teams had already accomplished a great deal with assistance from foreign experts and support from many countries. The latest techniques were being used in far-flung spots to identify mined areas, and warning signs were being put up to mark danger zones.

56. There were disparities between men and women in Cambodia, but there was no discrimination. That would be contrary to the principles of tolerance inherent in Buddhism which was widely practised throughout the country. The problems were a matter of attitudes. Parents, for example, could see no reason for their daughters to attend school or continue their studies because they would be getting married. The situation was, however, changing and efforts were being made to make communities and parents aware of the need to treat girls on an equal footing with boys.

57. Cambodia had set up an authority to combat AIDS, which worked in conjunction with the ministries involved. Steps had been taken to spread information about the disease as part of the school curriculum, and to train teachers. Prevention was crucial. The Ministry of Health was cooperating with international organizations in bringing assistance to pregnant HIV-positive women and, later, their children.

58. Children did not become fully-fledged citizens until the age of 18. Cambodia did not yet have a forum for children, but there were meetings at which children were invited to address the gathering. According to tradition, children were really supposed to listen to adults but the situation was changing and most Cambodians were aware that they needed to listen to children as well.

59. There were as yet no proper laws on the registration of births; the practice followed came from Ministry of the Interior circulars about family books. Birth certificates were now issued for most new-borns. While the Khmers Rouges were in power most civil registry papers had been burnt. The system currently followed nation-wide was to draw up files covering groups of houses, giving the names of the heads of household, their wives, their children and other people

living with them. Civil registration laws would clearly have to be passed. If someone's civil registration papers had been destroyed, his or her age was established on the strength of a statement by the individual concerned. To change the age shown, the matter had to be taken before the courts.

60. The authorities were aware of the value of after-school activities as a means of fostering children's development. Youth, sports and cultural centres had been set up, but faced many problems due to insufficient resources. At all events, enrolling children in school remained the priority, because Cambodia did not hide the fact that almost 400,000 school-age children were not attending school.

The meeting rose at 1 p.m.

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Twenty-fourth session

SUMMARY RECORD OF THE 630th MEETING

Held at the Palais Wilson, Geneva,
on Wednesday, 24 May at 3 p.m.

Chairperson: Ms. OUEDRAOGO

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CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Initial report of Cambodia (continued)

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GE.00-42484 (E)

The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Cambodia (continued) (CRC/C/11/Add.16; CRC/C/Q/CAM/1; written replies of the Government of Cambodia to the questions raised in the list of issues (document without a symbol distributed in the meeting room in English only))

1. At the invitation of the Chairperson, the delegation of Cambodia resumed places at the Committee table.

2. The CHAIRPERSON invited the members of the Committee to ask questions concerning family environment and alternative care, basic health and welfare and education, leisure and cultural activities.

3. Ms. TIGERSTEDT-TÄHTELÄ said that the delegation had acknowledged a few isolated cases of police brutality but stated that such conduct was not sanctioned by the Royal Government of Cambodia. Should the Royal Government not assume responsibility for the actions of the police, and of the prison and other authorities?

4. Detailed information had been provided on health plans and strategies. She wondered, however, whether the 38 per cent of the population living below the poverty line had access to health services, considering the prohibitive costs of health care and treatment. She would like to know whether free health care for the poor was being envisaged by the Royal Government.

5. Mr. RABAH said the Committee had been informed that child-care institutions were run either by the Royal Government or by non-governmental organizations (NGOs). He would like additional information on how those institutions were managed and on cooperation between the Royal Government and NGOs in that regard. He also wondered about the plight of children who were not placed in those institutions.

6. He would welcome additional information on foster care. Were there obstacles to the enactment of legislation that would regulate foster care institutions in the best interests of children?

7. Ms. MOKHUANE said that, according to certain sources, inspections of alternative care facilities were not conducted regularly. She would appreciate information about the mechanisms used by the Royal Government to ensure the regular monitoring of alternative care, including the functioning of reporting relationships.

8. Mr. DOEK said he would appreciate additional information about intercountry adoption and asked whether Cambodia was considering ratifying the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption. According to the initial report of Cambodia (CRC/C/11/Add.16), very few children were adopted by Cambodian citizens. However, informal adoption appeared to take place; he wondered how many children it affected and whether informal adoptions were monitored by the Royal Government. Was the Royal Government envisaging more effective regulation in that regard, in the best interests of children?

9. According to the report corporal punishment in families was widespread in Cambodia. He wondered whether the Royal Government intended to conduct a study of child abuse and neglect at the family level, especially as neglect was closely linked to child abandonment. Did the Royal Government plan to educate parents about physical violence committed against children or to prohibit corporal punishment?

10. Ms. RILANTONO said that she was puzzled about the rising infant mortality rates, as the Royal Government had carried out a successful poliomyelitis immunization programme. She wondered whether vaccines were imported and whether assistance had been extended by the United Nations Children's Fund (UNICEF) or the World Health Organization (WHO) in acquiring them. Noting that the incidence of acquired immunodeficiency syndrome (AIDS) was rising, she asked for further information on the two-year strategic plan implemented by the National HIV Centre and asked whether it included drug-abuse cases. She also inquired as to the care offered to children of HIV-positive parents with regard to the risk of transmission.

The meeting was suspended at 3.15 p.m. and resumed at 3.25 p.m.

11. Ms. HARANVADDEY (Cambodia) reiterated that the Royal Government did not sanction police brutality. The Australian Embassy in Cambodia was helping to train police officers in order to strengthen their capacity to protect children against violence and ensure that children's rights were respected. In addition, the Ministry of the Interior had signed an agreement with international bodies, including UNICEF, the International Labour Organization (ILO) and the International Organization for Migration (IOM), on child protection and the training of the police in children's rights issues.

12. The Penal Department of the Ministry of the Interior was examining a possible mechanism for protecting children's rights. It would shortly set up a unit specialized in protecting children against exploitation, in keeping with recommendations contained in the Five-Year Plan of Action against Sexual Exploitation of Children developed as a follow-up to the Stockholm Congress. The Cambodian National Council for Children (CNCE) and UNICEF were working together with the Ministry of the Interior to establish a bureau for the protection of children's rights which was expected to begin operating in 2000.

13. Turning to health, she said that the Royal Government recognized the inadequacy of health services at the community level. The problem related more to the difficulty in renewing supplies of medicines than to lack of staff. Consequently, the Royal Government focused on developing capacity-building plans and strategies. The Swiss Government, with the support of NGOs, had built a large hospital which provided services for the poor.

14. Replying to Mr. Rabah, she said that in the case of child-care institutions run jointly by the Royal Government and NGOs, staff and funding were provided by the Royal Government. As its contribution amounted to only about $10 per month, however, additional assistance by NGOs was necessary. Institutions managed solely by NGOs were staffed and funded by those NGOs. In some cases, inter-NGO efforts were assisted by the Royal Government.

15. Foster care was not regulated. NGO-run institutions reported to the Child Welfare Department of the Ministry of Social Welfare every three months, and provincial inspectorates also reported to the Child Welfare Department. The Child-care Bureau of the Child Welfare Department was responsible for monitoring all institutions.

16. Far more intercountry adoptions took place than domestic ones because foreigners were more willing than Cambodians to adopt disabled or even HIV-positive children and better able to finance their treatment. There was no adoption legislation, but a temporary procedure existed. Home studies were carried out of prospective adoptive parents, who must comply with certain conditions relating, for example, to income and good health. The Child-care Bureau reviewed the documents before transmitting them to the Ministry of Social Welfare, which also relied on input from institutions and municipal authorities. Cambodian officials subsequently visited adopted children in the foreign country to ensure that all conditions were met. No study of corporal punishment had been conducted.

17. Mr. SETHY (Cambodia) said that improvements had been introduced in the health sector, including a public sanitation project, but that efforts had been limited by budgetary constraints. Free health care was offered in rural areas, but despite assistance provided by foreign Governments and NGOs the replenishing of drug supplies was a persistent problem.

18. Domestic violence was not a major problem in Cambodia, although it did exist. The Royal Government had tried to raise the population's awareness of the problem through radio and television campaigns.

19. An extensive vaccination programme targeting six diseases had covered over 70 per cent of the country's children. It was true that the campaign against poliomyelitis had been successful, but in general the Royal Government relied heavily on outside help to import vaccines.

20. Campaigns on AIDS prevention and the use of contraceptives had been conducted throughout the country with the result that the public was much better informed than before in that regard. With regard to AIDS prevention education, an inter-ministerial commission had been formed covering all levels of the education system, including schools located in remote areas, and reproductive health had been introduced into the school curricula. Teachers had also been trained in AIDS prevention and teenagers had been made a priority group for attention.

21. Drug abuse, especially intravenous drug use, did not constitute a major problem in Cambodia, but it was necessary to raise public awareness in that regard. A programme had been launched for the protection of the children of HIV-positive mothers.

22. The CHAIRPERSON invited the Committee members to ask questions concerning special protection measures.

23. Ms. MOKHUANE said knowledge about contraceptives was commendable, but it was even more important for behaviour to match that knowledge. She wondered whether studies had been carried out on the use of contraceptives by young people. The Royal Government stated that access to health services had improved, but she wondered about quality of services and how

many people actually made use of them. By way of illustration, it had been indicated that breastfeeding started at a late stage during infancy and was coupled with food which was detrimental to human health. There were also many cases of preventable diseases, disabilities and a high maternal mortality rate in Cambodia.

24. Because of the shortage of medicaments, people resorted to traditional medicine, and she wondered whether any exchange of views had taken place between health officials and traditional healers. With regard to environmental health, only 19 per cent of the population had access to proper sanitation; and she asked whether there were any plans to improve that situation. The Committee had received information which contradicted the Royal Government's claim that alcohol abuse was not a major problem in Cambodia and which indicated that drug use was on the increase. The Royal Government had said a plan was in place to combat drug trafficking, but was that plan implemented?

25. Mr. DOEK said that he was disappointed at the description of primary education in the Royal Government's written replies. The high drop-out rates in grades 1 to 3 meant that some 500,000 school-age children were not attending school. Scant progress appeared to have been made since 1994. Education must be assigned high priority in any country, despite financial and economic limitations. The Royal Government acknowledged the problem, but appeared to have given up hope because of lack of funds. He would like to know what progress the delegation considered the country to have achieved in the previous five years. What was the Royal Government actually doing to attain the numerous educational goals set forth in paragraph 195 of the country's initial report? Had consideration been given to a loan from the World Bank or another financial institution?

26. Was there any existing or planned mechanism for optimizing the effectiveness of the many international organizations working in Cambodia, which, according to the report, posed problems of regulation by failing to inform the authorities of the renewal of their mandates?

27. Citing an October 1999 report on child rape in Cambodia and a report on sexual exploitation of children he asked the delegation to comment on those phenomena. An important goal of any governmental action was to determine, with help from other orgaizations, the role of the judiciary and law-enforcement agencies. In Cambodia the latter were allegedly insensitive, untrained and ignorant of how such cases should be handled. Members of the judiciary were reportedly open to bribes for settling cases out of court. If that was so, what action was the Royal Government taking to improve the quality of both the judiciary and law-enforcement agencies?

28. Mr. FULCI asked what legislative and other measures the Royal Government was taking to achieve the difficult task of demobilizing and reintegrating the large number of children who had been child combatants and what impact those measures were having. He also asked the delegation to comment on the claim made in an NGO report that children aged 7-17 were re-educated at the Youth Rehabilitation Centre in Phnom Penh, the implication being that 7 was the age of criminal responsibility. UNICEF had reported cases of children detained in adult prisons in Phnom Penh and Battambang, without medical services and with no reintegration programme for them on release. It appeared that many of them had not even been convicted. He would appreciate details about Cambodia's efforts to comply with articles 37, 39 and 40 of

the Convention and on its measures to protect working children and reduce child labour in Cambodia. What relations did it maintain with ILO in connection with child labour? Did it envisage ratification of the ILO Minimum Age Convention, 1973 (No. 138) and Worst Forms of Child Labour Convention, 1999 (No. 182)?

29. Despite the serious problem of sexual exploitation of children in Cambodia, no study had been undertaken on the subject. The Royal Government appeared to oscillate between tolerance and prohibition. What was its actual position? What action were the authorities taking to protect children against the scourge of abduction into networks of exploitation?

30. Ms. TIGERSTEDT-TÄHTELÄ noted the delegation's statement that child abuse did not pose a problem in the country, despite reports that corporal punishment in the home was widespread. While there had been no survey on child abuse as such, in 1996 one NGO had conducted a survey on violence against women, which also affected children. Unfortunately, only adults had been polled, but the abused women had reported that their spouses frequently attacked the children after a fight. The authorities should make a point of interviewing children so that their experiences could be used as the basis for media-awareness campaigns. Reporting of offences by neighbours or spouses should also be encouraged, not necessarily with a view to imprisoning the offender but for the protection of the family as a whole.

31. The report painted a very negative picture of the educational situation in the country, highlighting budget constraints, poor education delivery and the widening gap between urban and rural schools. Although the Royal Government had established new policies for reform and was working to improve the efficiency and effectiveness of education sector planning, the high drop-out rate suggested that the schooling on offer did not hold pupils' interest. Attempts might be made to integrate older children (aged 12-18) into curriculum planning in order to discover the type of education they wished to receive, and to seek input from teachers, relevant NGOs and others with ideas about education.

32. Ms. RILANTONO acknowledged that with only 8 per cent of the total budget allocated to education, it was difficult to assign due importance to human resource development, which was a major aspect of any country's development. Educational coverage needed to be provided from the earliest possible age and should include compulsory primary and secondary education. Were scholarships for secondary education awarded by intergovernmental or non-governmental institutions? As the report focused on non-formal education for adults, she wondered whether there were any non-formal modules available to children who dropped out of school and needed to work for a few hours each day. She recommended that such education should be provided for children at the primary and lower secondary levels.

33. She requested an explanation of the disparity between the performance levels of boys and girls, who appeared to fall behind after the age of 10. Was that due to parental attitudes? Of what real assistance had the Education Management Information System been in reforming education policy?

34. Ms. MOKHUANE said that, while she appreciated the candid reply to question 16, she was dismayed at the Royal Government's abdication of responsibility for leisure activities. Given the general level of poverty in the country, did the delegation not consider it impractical for the community to be asked to finance leisure activities from its own pocket?

35. The reply to question 12 stated that there was no new legislation governing parental responsibilities for a child's upbringing and development. As family violence affected relationships at all levels, she hoped the authorities would promptly consider ways to promote an atmosphere of happiness within the family, as described in the preamble to the Convention.

36. Mr. RABAH asked whether the very high numbers of drop-outs and repeaters, most of them girls, and the low levels of education provided could be attributed solely to the country's dearth of teachers. Perhaps teachers' limited skills were also a factor. It had been recommended that teachers' salaries should be increased to US$ 100 per month, which was still a very low figure. He urged the Royal Government to deploy greater efforts to eradicate corruption in schools, erect more school buildings and provide more materials and services.

37. He was disturbed at the absence of a law governing the juvenile justice system and the lack of specialized judges. He asked whether legal aid was available to minors at police stations or in the courts, what exactly occurred at the Youth Rehabilitation Centre in Phnom Penh and whether the Centre was served by trained judicial officers. As UNICEF and other United Nations agencies were in a position to assist with funding, financial constraints need not be a deterrent.

38. The CHAIRPERSON expressed surprise that, although Cambodia had been represented at the World Education Forum in Dakar, education was still not compulsory. Was that due to a funding problem? Many developing countries were in a similar situation, yet succeeded in maintaining a level of compulsory education, even if it did not extend to all children.

The meeting was suspended at 4.30 p.m. and resumed at 4.40 p.m.

39. Mr. PHEARITH (Cambodia) said that while there was as yet no law governing the juvenile justice system, the authorities were endeavouring to establish a procedure to deal with child offenders. A committee was being established to oversee the child's interrogation by police. Composed of parents, teachers, a judge, local authorities and representatives of relevant NGOs, it would decide what action was in the child's best interests. While the Youth Rehabilitation Centre in Phnom Penh had been used in the past as a detention centre, it had now become a rehabilitation centre. The authorities were cooperating by providing legal aid, and judges were being trained in trial procedures for cases involving children.

40. With the assistance of UNICEF, the National Committee on Demobilization was arranging training for the approximately 300 child victims of armed conflict in Cambodia. With the assistance of the Australian Government, the authorities were arranging for the separation of young offenders from adults in Phnom Penh, and the prisons were visited once or twice a week. Fund-raising was in progress to provide similar facilities in the provinces, such as Battambang.

With ILO support, a subcommittee of the Cambodian National Committee for Children (CNCE) was organizing training for provincial labour inspectors. Leaflets and manuals had been disseminated in order to raise public awareness of the child-labour problem, and measures were in place to integrate child workers into the education system.

41. Mr. SETHY (Cambodia) said that traditional medicine was an important part of Cambodia's heritage and that there was a special department within the Ministry of Health responsible for promoting it.

42. Implementing the right to education was a long-term undertaking in any country, but particularly in Cambodia, where more than 90 per cent of schools had been destroyed and more than 80 per cent of teachers massacred under the Khmer Rouge regime. Most of the few remaining school buildings had been used by the Khmer Rouge to store weapons or as sites for carrying out torture. Subsequent Governments had therefore had to rebuild the education system from scratch. People who could themselves barely read or write had volunteered as teachers, and efforts had been made to give them adequate training. Since that time, the number of teachers had increased significantly and 18 teacher-training centres had been set up in different provinces.

43. There were currently more than 2.3 million pupils and students in the education system overall, which was a substantial proportion of the total population of 11 million. However, the Government acknowledged that much remained to be done: not all children were enrolled in school and many schools needed to be rebuilt, which would require substantial funds. The ultimate aim was to provide access to school for all children.

44. The Government was currently conducting a comprehensive review of education policy. Various organizations such as UNICEF and the Swedish International Development Agency (SIDA) had already made a significant contribution to the task of restoring the education system, and he agreed with the Committee's view that it was important to maintain contact with such donors. The Asian Development Bank had also provided loans to help with, for example, the printing and distribution of schoolbooks, and aid had been received from the European Union (EU) to set up teacher-training centres. Funds from the World Bank were being concentrated on primary education. Work was under way to group scattered individual classes into proper schools and to involve parents and the community in general in the education process.

45. High drop-out and repetition rates constituted a waste of resources, particularly for poor countries like Cambodia, and discussions were currently under way, with the participation of relevant experts, to reform the curriculum. After participating in the World Education Forum held in Dakar in April 2000, Cambodia was determined to develop its own action plan for education. An Education Management Information System (EMIS) centre had been set up, which collected and analysed data on education. The Government used that data to enable it to provide for the educational needs of the community in the most effective way possible. One of the causes of high repetition and drop-out rates was the low level of motivation among teachers. The Government had recently granted bonuses to some teachers, and their basic salary was double that of civil servants; nonetheless, teachers' salaries were still inadequate. That was one of the issues to be discussed with Cambodia's donors.

46. Only a small percentage of children were enrolled in pre-school education. However, Cambodia recognized its importance and had already set up joint projects in that field with donors such as the United Nations Scientific, Educational and Cultural Organization (UNESCO) and UNICEF.

47. Although the right to free education for all for nine years was enshrined in the Constitution, it was true that there was no legislation specifying that education was compulsory. That was because, when the Constitution had been adopted in 1993, the Khmer Rouge had still been in control of some areas of the country, and also because the lack of resources would have made it impossible to implement such a commitment. Since 1993, therefore, the State had done its utmost to achieve the ultimate goal of free education for all, but it was clear that there was still a long way to go.

48. Ms. HARANVADDEY (Cambodia) said that no statistics were available on the extent of sexual exploitation of children; however, the Government recognized that it was a serious problem. A survey conducted by the CNCE in 1998 had found that there was no clear mechanism for addressing it in the provinces. However, the Government had recently adopted a five-year plan to combat the sexual exploitation of children, consisting of four programmes aimed at prevention, protection, recovery and reintegration. Each programme contained objectives, strategies and activities and specified the institution responsible for each activity and the resources available from the Government and NGOs. The Government had urged State bodies, parents and the general public to participate in implementing the plan and had recommended that the CNCE should set up a subcommittee to promote and monitor implementation. The plan was ambitious and wide-ranging, and the support of the international community would be required in order for it to be implemented effectively. One of the aims of the plan was to provide training for police officers, judges and civil servants on the law regarding sexual exploitation of children and the procedure for dealing with reports of such exploitation. The Ministry of Social Affairs played a major role in rehabilitating victims and reintegrating them into society. Cambodia cooperated with other countries on the issue, although it had not signed any formal bilateral agreements. Cooperation with other countries was also under way to combat sex tourism involving children. The Ministry of Tourism was developing a strategy to deal with that problem and was working to raise awareness of it among the owners of establishments such as hotels, restaurants and discotheques.

49. Adult illiteracy was a major problem and literacy campaigns formed part of the strategy of providing education for all. Pilot projects had also been set up to provide non-formal education and practical skills training. A committee consisting of representatives of several ministries had been established to liaise with committees at the grass-roots level in order to implement the various campaigns and projects.

50. Sex education and the use of condoms were not easy issues to address, as many people, particularly the older generation, found it difficult to discuss such matters. However, sex education, including teaching on HIV/AIDS, was being introduced into the curriculum and the subject was included in teacher-training programmes. It was important to promote awareness of

sexual health issues among adults as well as children. To that end, posters had been put up around the country; given that a large proportion of the population was illiterate, posters were considered to be one of the most effective ways of raising awareness.

51. Mr. DOEK reiterated his question about the roles of the judiciary and law enforcement agencies in addressing cases of sexual exploitation, rape and prostitution. According to one report, 11 police officers, in addition to civil servants and other Government employees, had been accused of rape in 1998. None of their cases had been brought to trial, although some had led to out-of-court settlements, certain of which had reportedly involved arranged marriages between the rapists and their victims. Perhaps the members of the judiciary required instruction in the handling of such cases. In addition, the salaries of judges should be raised to ensure a decent standard of living and reduce their vulnerability to corruption.

52. In 1997, a subcommission for child labour had been established, yet a recent study by the ILO International Programme on the Elimination of Child Labour (IPEC) had found that approximately 500,000 Cambodian children between the ages of 5 and 17 were still working. A few pilot programmes against child labour had been launched in 1996 or 1997; had thy been expanded? What had been done in conjunction with IPEC to prevent children from entering the work force and to reintegrate those who already had done so into the education system?

53. Ms. TIGERSTEDT-TÄHTELÄ said that the CNCE apparently played a coordinating and monitoring role, while the actual implementation of the Convention was left to the various government ministries. The Government had stated in the written replies that the CNCE needed to strengthen its capacity and that it required technical assistance and financial support from various countries and international organizations. Was the Government planning to transform the CNCE from an advisory body into an executive one?

The meeting was suspended at 5.30 p.m. and resumed at 5.35 p.m.

54. Mr. PHEARITH (Cambodia) said that a law against the sexual exploitation of women and children existed, and in certain cases had been enforced very effectively. Sentences of up to 15 years' imprisonment had been handed down for the rape of minors or for sex trafficking. The judiciary, which was considered by the international community as particularly weak, was currently undergoing an extensive reform. With the assistance of an international agency the Ministry of the Interior had established a special unit to combat sex trafficking of minors. A number of NGOs were working against child labour, and some had submitted a plan of action to the subcommission for child labour. The Government would allocate resources to NGOs for the implementation of that plan of action, which was to include a media campaign, press conferences and assistance for vulnerable children.

55. Ms. HARANVADDEY said that the CNCE was a national body for the coordination, monitoring and evaluation of programmes for children, which also undertook advocacy campaigns. It required an adequate budget to ensure implementation of the Convention by the various ministries. For example, when the Plan of Action against Sexual Exploitation of

Children had been drawn up, the ministries concerned had requested funding from the CNCE for its implementation. Resources had been required to establish the subcommission for child labour and for the training which the CNCE provided for staff in the relevant ministries and for its own staff. Staff attended seminars in Cambodia and overseas to learn how to monitor implementation of the law and how to collect and process data. The CNCE was not simply a monitoring and advisory body; it was deeply involved in the formulated and implementation of government policy in its field.

56. The CHAIRPERSON invited Ms. Tigerstedt-Tähtelä, the Country Rapporteur, to present preliminary observations on the discussions with the delegation of Cambodia.

57. Ms. TIGERSTEDT-TÄHTELÄ (Country Rapporteur) thanked the delegation for engaging in a constructive dialogue in a spirit of cooperation. The Committee was aware of the country's history, the atrocities which it had experienced and its current lack of financial and human resources. As the delegation had stated, Cambodia had very nearly had to start from scratch in many areas.

58. Implementation of the Convention was a political issue, and one which deserved the highest priority; the State budget should perhaps be reallocated better to reflect that priority. While NGOs and the international community could assist, responsibility ultimately lay with the Royal Government.

59. Cambodia had acceded to the six major international human rights instruments; it had incorporated into the Constitution the rights enshrined in the Convention and it had concluded a Memorandum of Understanding with the Office of the United Nations High Commissioner for Human Rights (OHCHR). It had also recently ratified the ILO Minimum Age Convention, 1973 (No. 138), and was considering ratification of the Worst Forms of Child Labour Convention, 1999 (No. 182). The Committee would no doubt recommend that existing laws should be reviewed to ensure that they were in conformity with the provisions of the Convention, in particular in respect of birth registration, family matters, alternative care and juvenile justice. The country's data collection system needed to be strengthened. The Government should take steps to ensure that all rights were enjoyed by all children, without any discrimination. It should promote children's participation in the family, school, institutions and the local administrations, and should recognize children's rights to freedom of expression and association. Complaints of child abuse should be dealt with swiftly and effectively by law enforcement agencies and the judiciary through the establishment of procedures accessible to children, so as to avoid offenders going unpunished. A juvenile justice system must be established. The Government should also develop regulations for institutions and other forms of alternative care. Children with disabilities should be integrated into the school system and should be given support, and the social services for the rehabilitation of victims of child abuse and exploitation should be strengthened and expanded. The Royal Government should enforce the provisions of the labour law concerning the minimum age for employment and should train labour inspectors and provide them with the means to monitor child labour.

60. Mr. SETHY (Cambodia) said that the Royal Government had taken note of the recommendations made by the Committee. His delegation expressed its gratitude to UNICEF for its logistic and financial support, which had permitted two of its members to take part in the Committee's meetings.

61. The CHAIRPERSON said that it was important to coordinate the activities of the hundreds of NGOs and foreign institutions which were currently working in Cambodia. She encouraged the Royal Government to consider the establishment of an ombudsman for human rights and to reformulate the education policy with the participation not only of the population, but of children in particular, especially with regard to the methods used. While the Royal Government's recognition of the problem of sexual exploitation was commendable, it still must adopt legislation defining the age of consent for sexual relations, which would no doubt prove useful in giving effect to the child protection programmes it had adopted. She also called on the delegation to ensure that the report and the Committee's concluding observations concerning Cambodia would be disseminated throughout the country.

The meeting rose at 6.10 p.m.